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LOK SABHA DEBATES

[Part I—Questions and Answers]

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LOK SABHA

Thursday, 28th April, 1955

The Lok Sabha met at Eleven of the Clock

[Mr. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

SUGAR

*2658. **Shri Sarangadhar Das:** Will the Minister of **Food and Agriculture** be pleased to lay a statement on the Table of the House showing:

(a) whether it is a fact that the production of sugar during 1954-55 is expected to be 40 per cent. higher than that in 1953-54;

(b) whether the off-take from the sugar factories during the current season has shown a downward tendency and if so, by how much;

(c) the total stocks held by the factories as well as Government on the 31st March, 1955;

(d) the total quantity of sugar Government have already purchased in foreign countries, but which is yet to arrive in India; and

(e) the quantity proposed to be purchased by Government during 1955-56?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (e). A statement giving the required information is laid on the Table of the Lok Sabha [*See* Appendix XII, annexure No. 49].

Shri S. N. Das: May I know whether there is any increase in acreage?

Dr. P. S. Deshmukh: I am proud to say that without hardly any addition to the acreage last year, we are likely to produce more than 15 lakh tons of sugar this year as compared to 10 lakh tons last year.

Shri S. N. Das: In view of the increased production, may I know whether the Government propose to stop the import of sugar?

Dr. P. S. Deshmukh: Yes, Sir. Excepting where we are committed already we do not propose to import.

Shri Sarangadhar Das: If the Government's contention all along during the last one year or so was that the *per capita* consumption of crystal sugar is going up, how is it that the offtake is very much less than last year from the factories?

Dr. P. S. Deshmukh: This convention of sugar is a very tricky affair, because just as the prices between *gur* and sugar vary, the consumption also varies. Therefore, I do not trust the figures that I get so far as consumption of sugar is concerned. There are many gaps and many difficulties in between.

Shri Nevatia: Will Government agree to cancel or delay the despatch of imported sugar so that the prices may be maintained at a reasonable level?

Dr. P. S. Deshmukh: We are prepared to do it as far as possible.

12-CHANNEL CARRIER SYSTEM

*2659. **Shri S. N. Das:** Will the Minister of **Communications** be pleased to refer to the reply given to starred question No. 684 on the 2nd December, 1954 and lay a statement on the Table of the House showing:

(a) the number of orders of the 12-Channel Carrier System placed so far on the Automatic Telephone and Electric Company Limited;

(b) the number of Indians who have been sent for training in the factories and laboratories of this firm in England;

(c) whether arrangements for the supply of all manufacturing and engineering information by this company have been completed; and

(d) the progress, if any, made so far in regard to the Indian Telephone Industries Limited having its own section for developing 12-Channel Carrier Equipment Section?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) A statement is laid on the Table of the Lok Sabha. [*See* Appendix XII, annexure No. 50].

(b) 2.

(c) Yes.

(d) Building is under construction, machinery has been ordered and staff is being trained.

Shri S. N. Das: What is the time limit within which the orders that have been placed are to be complied with?

Shri Raj Bahadur: By March 1956. The orders that were placed in 1954 are expected to be complied with.

Shri S. N. Das: Arising out of the answer to part (b) of the question, why have only two persons been sent? What is the subject that they have been asked to learn there?

Shri Raj Bahadur: The object is training for the manufacture of the 12-channel carrier instrument, which includes training in the electrical side and the testing side also. So far, two persons only have been sent. Four more persons will be sent some time afterwards. Two other engineers will be sent for a period of two months to settle some other details regarding the manufacturing programme.

Shri S. N. Das: May I know whether before the I.T.I. are in a position to manufacture these 12-channel carrier equipment, the persons required for the purpose will be available?

Shri Raj Bahadur: The programme drawn up in consultation with the A.T. and E. envisages that.

दूसरी पंचवर्षीय योजना

*२६६०. **श्री भक्त दर्शन :** क्या संचार मंत्री २० दिसम्बर, १९५४ को दिये गये तारांकित प्रश्न संख्या १४०४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि उसके बाद से डाक व तार विभाग के लिये दूसरी पंचवर्षीय योजना के बनाने में अभी तक क्या प्रगति हुई है ?

संचार उपमंत्री (श्री राज बहादुर) : सुझावों को अभी अन्तिम रूप नहीं दिया गया है ।

श्री भक्त दर्शन : क्या इस सम्बन्ध में सब सर्कलों से सम्मतियां मांगी गई हैं और क्या इस सम्बन्ध में पोस्ट मास्टर जनरलों से कहा गया है कि अपनी सम्मति भेजने से पहले रीजनल एडवाइजरी कमेटियों से भी परामर्श कर लिया जाये ?

श्री राज बहादुर : विभिन्न विभागीय कर्मचारियों से अवश्य परामर्श किया जायेगा और जनता के प्रतिनिधियों और पी० एंड टी० एडवाइजरी कमेटीज से भी विचार विमर्श किया जायेगा ।

श्री भक्त दर्शन : क्या यह सत्य है कि कुछ महीने पहिले भूतपूर्व डायरेक्टर जेनरल, श्री जेरथ, ने एक प्रेस कांफरेंस में यह वक्तव्य दिया था कि दो हजार की आबादी के बदले एक हजार की आबादी के लिये एक डाकघर खोला जायेगा ? अगर यह सत्य है, तो इस सम्बन्ध में क्या कार्यवाही की गई है ?

श्री राज बहादुर : इस सदन में इस मद्दे पर एक निश्चित प्रश्न किया गया था और मैं ने उसका उत्तर दिया था कि उनके ये विचार उस समय के थे जब कि वह रिटायर हुए थे और मैं समझता हूं कि वह अपने शब्दों में सोच रहे थे । यह नहीं कहा जा सकता है कि इस सम्बन्ध में निश्चित रूप से कोई निश्चय कर लिया गया है ।

श्री भक्त दर्शन : अगर वह वक्तव्य अधिकृत नहीं था और विभाग से उसका कोई सम्बन्ध नहीं था, तो उसका प्रतिवाद क्यों नहीं किया गया ?

श्री राज बहादुर : उसका प्रतिवाद कहिये या उस विषय में एक स्पष्टीकरण कहिये, वह तो इस सभा में किया जा चुका है। यही सब से अच्छा माध्यम है, जिसके द्वारा किसी भी मुद्दे के ऊपर सही बात कही जा सकती है।

RAILWAY QUARTERS

*2661. **Shri Krishnacharya Joshi:** Will the Minister of Railways be pleased to state:

(a) the total number of quarters constructed for the Railway staff during 1954; and

(b) the amount spent thereon?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Record of quarters is maintained for financial years and not calendar years. The total number of quarters expected to be completed for railway employees during the year 1954-55 was 10,407.

(b) Rs. 4,62,88 lakhs approximately.

Shri Krishnacharya Joshi: May I know the total number of railway employees and may I also know the number of employees who have been allotted quarters so far?

Shri Shahnawaz Khan: The total number of persons employed by the Railways is in the neighbourhood of one million. In September 1954, only about 4,00,000 railway employees were accommodated in quarters built by the Railways.

Shri Krishnacharya Joshi: Have the Government assessed the need of quarters for employees and in how many years they will complete the construction?

Shri Shahnawaz Khan: We are spending very nearly Rs. 5 crores annually on building quarters for the Railway staff. The Railways are very hard pressed for funds because they have to do so many other things in addition to building quarters. In addition to all these, one of the main difficulties that comes in the way of constructing quarters rapidly is the shortage of cement and steel. Nevertheless, the Railways are fully aware of the urgency of providing quarters and we are doing whatever is possible.

Shri Krishnacharya Joshi: May I know whether any rent is charged for the quarter?

Shri Shahnawaz Khan: Rent is charged from all Railway employees other than class IV staff. Those Railway employees who are not provided with Railway quarters are given accommodation allowance.

Shri Muniswamy: May I know whether it is a fact that an essential list is maintained for the allotment of quarters to Railway staff, and if so, whether any changes have been made recently and some of the staff who have been kept in the essential list were removed? If so, have any representations been received in that respect?

Shri Shahnawaz Khan: According to the policy that is being followed by the Railways, the essential staff have priority so far as provision of quarters is concerned. Essential staff are those staff who have to live near the site of their work because they might be called at any moment.

मोकामा घाट पर पुल

*२६६२. **श्री विभूति मिश्र :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि मोकामा घाट पर पुल के बन जाने की कब तक सम्भावना है ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां): अनुमान किया जाता है कि यह पुल दिसम्बर १९५६ तक बन कर तैयार हो जायेगा।

श्री विभूति मिश्र : मैं जानना चाहता हूं कि क्या रेलवे लाइन के अलावा इस पुल पर रोड ट्रैफिक का भी इन्तजाम किया जा रहा है ?

Shri Shahnawaz Khan: It is going to be a road *cum* rail bridge.

श्री विभूति मिश्र : क्या यह सही है कि सरकार मोकामा स्टेशन से इस पुल से होते हुए मुजफ्फरपुर तक रेलवे-लाइन बनाने का विचार कर रही है ?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री): जी नहीं, ऐसा विचार नहीं है ।

CENTRAL HEALTH COUNCIL

***2664. Shri Dabhi:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that the Central Health Council at a meeting held at Trivandrum in January, 1955 have recommended to Government that the Drug Act should be suitably amended to vest the authority of control of drug manufacture in the Centre; and

(b) if so, whether Government have accepted this recommendation?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) The recommendation is under consideration.

Shri Dabhi: May I know what led the Council to make such recommendations to Government?

Shrimati Chandrasekhar: It was because the Pharmaceutical Enquiry Committee had recommended this and that is why this decision has been taken.

ARECANUT

***2667. Shri Wodeyar:** Will the Minister of **Food and Agriculture** be pleased to state the steps taken so far to make the country self-sufficient in arecanut production?

The Minister of Agriculture (Dr. P. S. Deshmukh): Efforts are being made to increase the production of arecanut both by intensive and extensive cultivation. Arecanut plant takes 8 to 10 years to bear fruit and it is unlikely that India will become self-sufficient in arecanut before 1966-67, that is, before the end of the Third Five Year Plan.

I may, however, add that these are conservative calculations and by our intensive commonsense method of development we are likely to reach the target earlier than this.

Shri Wodeyar: What is the total acreage of land that is brought under arecanut cultivation in this country?

Dr. P. S. Deshmukh: I am sorry; I have not got the figures here.

Shri A. M. Thomas: May I enquire whether any schemes concerning the expansion of cultivation both intensive and extensive had been received from the Central Arecanut Committee for the Second Five Year Plan and whether the Government has taken any decision on that matter and how much amount is estimated to be spent on the schemes that had been submitted by the Committee?

Dr. P. S. Deshmukh: I am sorry; I have not figures of the amount to be spent. But all the schemes that had been received—they are more or less put in final shape.

Shri N. B. Chowdhury: May I know whether Government have taken any steps to increase the number of nurseries in West Bengal in order that production may increase in that area.

Dr. P. S. Deshmukh: That is one of the schemes we have. Arecanut nurseries have been planned in Assam, West Bengal and Malabar also.

RAILWAY MAIL SERVICE

***2670. Shri Gidwani:** Will the Minister of **Railways** be pleased to state:

(a) the number of R.M.S. Vans used on the Delhi-Ahmedabad line at present;

(b) whether these vans are often detached due to faulty light arrangements;

(c) whether it is a fact that the Posts and Telegraphs Department have often made requests for lighting arrangements and repairs to the vans; and

(d) if so, the action taken in the matter?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Twelve.

(b) No.

(c) Yes.

(d) Complaints regarding lighting and other defects are attended to and put right on the spot as far as feasible. However, in case of heavy repairs, there is some unavoidable delay in the rectification of the defects. This is being looked into and suitable action will be taken.

Shri Gidwani: Is it a fact that when these vans are in an unfit condition, *dak* is taken in the third class compartments where the lighting arrangement is not sufficient for the work?

Shri Shahnawaz Khan: This eventuality might have arisen sometime but it is not a general practice. Where there is any defect regarding lighting we provide very good oil lamps.

Shri Gidwani: My question was: are third class compartments used when these vans become 'sick'?

Shri Shahnawaz Khan: Sometimes that eventuality might occur.

Shri Gidwani: Will more vans be made available so that when any of these is not in a working condition another may be replaced and the workers may not work in third class compartments?

The Minister of Railways and Transport (Shri L. B. Shastri): This will be looked into.

Shri T. B. Vittal Rao: Is it a fact that the present lighting arrangement in the R.M.S. vans are quite inadequate and if so whether any arrangements are being made to improve the lighting arrangements in those vans.

Shri Shahnawaz Khan: We do not think they are very inadequate. Where they are inadequate and that fact comes to our notice we certainly rectify it.

Air Corporations Act

*2671. **Shri T. B. Vittal Rao:** Will the Minister of **Communications** be pleased to state:

(a) whether (i) the Air Transport Council (ii) the Advisory Committee and (iii) the Labour Relations Committees referred to in Sections 30 and 41 of the Air Corporations Act, 1953 have been constituted so far; and

(b) if not, what steps were taken by Government for their constitution and functioning?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). An Air Transport Council has been constituted with effect from the 16th April, 1955. Provision has been made in the Air Corporations Rules 1954 for the constitution of the Advisory Committees and Labour Relations Committees, contemplated in Section 41 of the Act. The question of constituting these Committees will be taken up shortly.

Shri T. B. Vittal Rao: Could I know approximately the month by which these committees will be constituted because it is already two years since the original Act was passed?

Shri Raj Bahadur: Hon. Member is very well aware that it was a good deal of a uphill task to integrate the various personnel of the various companies and without integration of the personnel of the ex-companies it was impossible to carve out the constituencies for election. He knows it very well that half the number of members of the Labour Relations Committee will be elected by the employees themselves.

Shri T. B. Vittal Rao: May I know if the Government will consider the

nomination of a representative of the All India Aero Workers Federation to represent the labour in the place of one director who is to represent labour in that Corporation?

Shri Raj Bahadur: I am not aware of any director representing labour. As a matter of fact the officer in charge of labour relations will only attend the meetings in his official capacity; he will not have any right to vote. He will have a right to air his views in the Labour Relations Committee. The question of appointing any one of the representatives of any particular union or section of the employees does not arise; because the labour representatives will be chosen by election.

Shri Matthen: May I know if the hon. Minister is aware of the grievances among the passengers in the internal air lines that the efficiency and quality of service has gone down considerably of late?

Shri Raj Bahadur: The question presumes a good many things. I will not like to admit them because I do not think they are correct in the absolute sense. Maybe there may be some cause for grievances in respect of any one service but by and large the efficiency and other standards in the air services have improved.

Shri T. B. Vittal Rao: What interest does Mr. Michael John represent in the Board of Directors of both Corporations?

Shri Raj Bahadur: The question hardly arises from this particular question; it relates to the representation of labour interests.

MACHKUND PROJECT

*2672. **Shri Sanganna:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Andhra Government have approached the Government of India for financial assistance in connection with the soil conservation scheme of the Machkund Project; and

(b) if so, the reaction of the Government thereto?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) No. But, a scheme of Machkund Hydro Electric Project jointly sponsored by the Governments of Andhra and Orissa has been received by the Central Soil Conservation Board for financial assistance from the River Valley Department of the Government of Orissa.

(b) The scheme is under consideration of the Board.

Shri Sanganna: May I know whether the implementation of this scheme will cause any displacement of persons residing in the locality?

Dr. P. S. Deshmukh: I could not say anything at this stage.

Shri Sanganna: What is the area of land that will be covered by the scheme?

Dr. P. S. Deshmukh: The area involved is very large—in Orissa it is 290 square miles and in Andhra it is 568 square miles.

Shri Sanganna: May I know whether the cost of the scheme will be included in the hydro-electric project of Machkund?

Dr. P. S. Deshmukh: Ordinarily we expect that may be done partially.

Shri Sarangadhar Das: May I know if this area which is covered by the scheme is under shifting cultivation by the *adivasis* both in Orissa and in Andhra areas?

Dr. P. S. Deshmukh: I could not say definitely but shifting cultivation is the cause of soil erosion and much trouble that arises out of it.

EXPLORATORY TUBE-WELLS

*2674. **Shri Viswanatha Reddy:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the exploratory tube-well programme under the T.C.A. is proceeding according to the schedule; and

(b) when the drilling teams are likely to commence their operation in the Andhra State?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The programme which is being implemented by the Government of India with the assistance of the T.C.M. is proceeding according to the schedule.

(b) According to present indications, in the second half of 1956.

Shri Viswanatha Reddy: May I know what is the total number of wells that can be sunk at a time according to this scheme?

Dr. P. S. Deshmukh: It will depend upon the equipment that we have. I could not say exactly how many we will be able to do. We have got a phased programme of digging 350 exploratory wells in the 16 States.

Shri Viswanatha Reddy: May I know whether out of these 350 exploratory wells, how many of them are situated in chronically drought-affected areas.

Dr. P. S. Deshmukh: Subject to there being geological data which will make our explorations worthwhile we have paid attention to the areas which are deficient in water.

Shri Viswanatha Reddy: I just wanted to know how many are actually situated in chronic drought areas.

Dr. P. S. Deshmukh: I have not made those calculations; I will have to go over the whole area in India to reply to this Question.

Shri Viswanatha Reddy: May I know whether the location of all these wells has been finally fixed by the Government?

Dr. P. S. Deshmukh: I could not say that in every State the location has been fixed. But in a good many States where we are likely to commence the work soon, it has been fixed. In the case of some other States, which will come up a little later, probably the final selection might not have been made yet.

Ganga Brahmaputra Water Transport Board

*2675. **Shri K. C. Sodhia:** Will the Minister of **Transport** be pleased to state:

(a) whether the Ganga-Brahmaputra Water Transport Board is an autonomous body; and

(b) if so, whether it publishes any annual reports on its working?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The Ganga-Brahmaputra Water Transport Board is a non-statutory body set up by agreement between the Government of India and the State Governments of Uttar Pradesh, Bihar, West Bengal and Assam. The Board functions under the control of the Government of India.

(b) No, but the annual reports of the Ministry of Transport include an account of the working of the Board.

Shri K. C. Sodhia: May I know for how long the Board has been working and what are its present activities?

Shri Alagesan: It has been functioning from the year 1952. Its main activity is to co-ordinate the functions of the various State Governments with reference to inland navigation. At present the Board is engaged in carrying out a pilot project with shallow draught tugs on the shallow reaches of the Ganga and Gogra.

Shri K. C. Sodhia: How long is it likely to take to investigate the whole navigable length on the river Ganga?

Shri Alagesan: Experiments will be done between Allahabad and Patna. That stretch has been chosen. Experiments will also be made on another stretch on the river Gogra.

Mr. Speaker: He wanted to know how long it will take.

Shri Alagesan: As far as the craft are concerned we have called for tenders for their construction. After the craft have been constructed experiments will be done.

Shri S. N. Das: May I know whether the proposal to start such Board in other parts of India has been completed and if so, whether any Board has been started in South India?

Shri Alagesan: We have been in correspondence with the Government of the then composite State of Madras and also with the Travancore-Cochin Government. It was not possible to have a Board constituting those Governments and the Central Government. We are exploring the idea of having these Boards separately for each State. We have not yet come to any conclusion on the subject.

JAPANESE VESSELS

*2676. **Dr. Rama Rao:** Will the Minister of **Transport** be pleased to state:

(a) whether Japanese seamen of Japanese vessels touching Indian ports have made any complaints during the past fifteen months to Indian authorities regarding ill-treatment and pilfering at Indian ports;

(b) whether any enquiries were made in this regard; and

(c) if so, the results thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No such complaints have been received.

(b) and (c). Do not arise.

Dr. Rama Rao: May I know whether the resolution of the Japanese Seamen's Conference has been brought to the notice of the Government, which resolution brings this matter forward and says that the ill-treatment and assaults are so serious that in course of time they may have to refuse to serve on the Japanese vessels touching Indian ports?

Shri Alagesan: We have seen some such report in the newspapers. It has also been followed by another report in a newspaper that the Japanese Consul at Calcutta has denied all knowledge of these things. He has also said that if anything had happened it would have been brought to his notice normally and that he was not aware of any such thing. Both these are newspaper reports.

Dr. Rama Rao: Since there must have been some incident to justify the resolution of the conference, even though the Consul says it has not been brought to his notice, in the interests of better relations with foreign nationals, will the Ministry consider the desirability of appointing more official or non-official organisations to look after these complaints and to see that nothing of this nature occurs again?

Shri Alagesan: I am afraid the hon. Member assumes too much. Unless something is brought to our notice, definitely we will not be in a position to take any action.

NATIONAL HIGHWAYS (MADHYA PRADESH)

*2677. **Shri B. N. Misra:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that a number of bridges on the National Highways between Raipur and Jagadalpur in the State of Madhya Pradesh are old wooden bridges and that many accidents have happened due to their being worn out; and

(b) if so, the action proposed to be taken in this regard?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A number of bridges between Raipur and Jagadalpur, on National Highway No. 43, have timber decking. The substructure of some of the bridges is also of timber. Government have received no reports to the effect that these bridges have worn out and that accidents have occurred on that account.

(b) The question of replacement of these timber bridges by pucca structures will be given due consideration when the detailed programme for the development of National Highways under the Second Five Year Plan is drawn up.

Shri B. N. Misra: May I know whether, before the Second Five Year Plan comes into effect, any of the bridges will be taken up and made pucca, or is Government contemplating to do something about it?

Shri Alagesan: There are four works which have been sanctioned during the First Five Year Plan. Two items are: (1) Construction of a bridge over Dudh river in mile 87 at Kanker, and (2) Improvement of Raipur-Abhanpur section (excluding black topping). The estimates for these two works have been sanctioned. There are two other items for which we are awaiting estimates from the State Government. The State Government have said that these timber bridges should be converted into regular structures during the next Plan and we are awaiting proposals from them.

Shri B. N. Misra: The Deputy Minister said that there are four items and mentioned two items. May I know the other two items for which investigations are being conducted?

Shri Alagesan: I said we are awaiting the estimates regarding the other two. They are (1) Black-topping of the Raipur-Abhanpur section and (2) improvement of Abhanpur-Dhamtari Section.

Tea Estate Workers

*2679. **Shri Tushar Chatterjea:** Will the Minister of **Labour** be pleased to state:

(a) whether it is a fact that the Labour Office of the Government of Tripura issued instructions on the 25th February 1955 to all Tea estates for granting the workers one day's leave with pay for every 20 days of work,

(b) if so, how many Tea estates have agreed to abide by these instructions; and

(c) the steps Government have taken to implement these instructions?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). The required information has been called for from the Tripura Government. The Plantations Labour Act, 1951, was brought into force on the 1st April 1954 and according to available information, the sections relating to grant of leave with wages were enforced in the Tripura State from that date.

Shri Tushar Chatterjea: Is there any information that a number of tea estates have been granted exemption from this provision?

Shri Abid Ali: That has not been brought to my notice.

Shri Biren Dutt: May I know whether any rules have been framed by the Tripura Government to implement this thing?

Shri Abid Ali: Yes and we have already given our concurrence to the draft rules.

R.M.S. Employees' Union

*2682. **Shrimati Sucheta Kripalani:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that before re-alignment of different Unions of R.M.S. employees, the employees were given the assurance that the new Union will be consulted in all matters of general administration:

(b) if so, whether Government are aware that even on the repeated requests, the reports of the special committees are not being supplied to them; and

(c) if so, the reasons therefor?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) It is the intention of Government to associate the workers increasingly in the administration and with this end in view the possibility of setting up staff councils based on the Whitely model is being pursued.

(b) and (c). It is not clear what Reports are referred to. A copy of the Marathe Report on the revision of Time Test in the Post Office has already been furnished to the Unions.

Shrimati Sucheta Kripalani: May I know by what time the Government will be in a position to consult these unions? How long will that take?

Shri Raj Bahadur: As a matter of fact, we have not yet received any recommendations or comments of the unions themselves regarding the Marathe Report, so far as I know.

Shri T. B. Vittal Rao: May I know whether the Marathe Report has been published?

Shri Raj Bahadur: It has not only been published but a copy of it has been made available to the unions.

CENTRAL TOBACCO RESEARCH INSTITUTE

*2683. **Shri N. B. Chowdhury:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to a supplementary to starred question No. 2310 on the 16th April, 1955 and lay a statement on the Table of the House showing the facilities that are given to the trainees by the Central Tobacco Research Institute?

The Minister of Agriculture (Dr. P. S. Deshmukh): A statement is laid on the Table of the Lok Sabha. [*See* Appendix XII, annexure No. 51].

Shri N. B. Chowdhury: May I know whether any portion of the expenditure incurred on the maintenance of the Central Tobacco Research Institute and the Tobacco Research Substation is met by the industrial concerns who employ the persons trained in these institutions?

Dr. P. S. Deshmukh: I do not think so.

Shri N. B. Chowdhury: May I know whether Government have arrived at an understanding with industrial concerns with regard to the number of trained persons—persons who are trained in these institutions—that the industrial concerns would employ.

Dr. P. S. Deshmukh: Ordinarily, so far as our expectation goes, this training is being imparted to be of assistance ordinarily to the growers and not to industrial concerns, although there is no prohibition that this training cannot be given to industrialists. But our scheme is more to help the smaller growers than the industrialists.

Dr. Rama Rao: May I know whether the training given in these two towns enables the technical personnel to cure the tobacco to the stage when it is ready for cigarette or only to the half stage?

Dr. P. S. Deshmukh: I do not know what exactly is the expectation as a result of this training. Probably my hon. friend is correct in his suggestion.

AIR INDIA INTERNATIONAL

*2684. **Shri H. N. Mukerjee:** Will the Minister of **Communications** be pleased to state:

(a) whether there are non-Indians employed in the Hong Kong office of the Air India International;

(b) if so, their number and their nationalities;

(c) the total strength of the personnel employed;

(d) the procedure adopted for the appointment of the non-Indians and Indians; and

(e) whether before appointment of such non-Indians, their past records were carefully examined?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Eight. All of them being Chinese.

(c) Thirteen.

(d) Appointment of Officers are made by the Head office. Appointments to Supervisory and non-Supervisory posts are made by the District Manager at the foreign station subject to approval of Head office. Applications are invited by advertisement or otherwise, in accordance with the practice followed by the other international carriers, and appointments are made subject to pre-employment medical examination and six months probation etc. Amongst the applicants having the same qualifications and experience preference is given to Indians.

(e) Past record of service is scrutinised in the case of all applicants for appointment irrespective of whether they are Indians or Non Indians.

Shri H. N. Mukerjee: May I know whether it is a fact that just after the inauguration of the air route between India and Japan, a high Indian official in Hong-Kong wrote a letter to the Air India headquarters in Bombay warning against the attempts of some undesirable persons, known to be spies, who were allegedly trying to get into the organisation, and may I also know whether any special steps were taken to prevent such reportedly undesirable elements from entering our service?

Shri Raj Bahadur: I do not know the source of the information of the hon. Member, nor can I testify to its veracity.

Shri H. N. Mukerjee: My question was whether it is a fact that there was a communication or not. If there was no communication, I would be happy with a negative reply.

Shri Raj Bahadur: I think I have already made it clear that I am not aware of any such communication. I do not know what the source of the information of the hon. Member is.

Shri H. N. Mukerjee: May I know whether in view of the disastrous accident which happened to 'Kashmir Princess', Government will go into the antecedents of their staff in Hong-Kong, including the General Manager, and check up their references?

Shri Raj Bahadur: The matter of enquiry is entirely the domain of the investigating officers or of the committee of enquiry appointed by the Indonesian Government.

Shri H. N. Mukerjee: May I also know whether it is the practice of Air India International, whether from Hong-Kong or elsewhere, not to include in the aircraft a special radio officer, which is done in the case of every other international aircraft, and whether the aircraft which carried the Prime Minister to Bandung also did not include a special radio operator?

†**Shri Raj Bahadur:** The radio officer was there, and that is all that is required. Apart from that there was another person who was there as a spare Engineer as a standby, but perhaps not with full qualifications.

Shri Nanadas: In reply to part (e) of the question, the hon. Minister stated that the past records of the foreign personnel were scrutinised May I know from which source Government got the past records of the foreign nationals?

Shri Raj Bahadur: From whatever sources which are normally tapped for obtaining such information, they obtained it.

Shri Nanadas: I want to know what those normal sources are.

Mr. Speaker: Order, order.

International Hotel Association

*2686. **Shri Dabhi:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that at the opening session of the Council of the International Hotel Association which recently met in New Delhi, he held out a promise to aid the development of the hotel industry in the country; and

(b) if so, the nature and extent of the aid proposed to be given?

† For footnote *see* columns 2845-2846.

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Only the hope was expressed that it might be possible for Government to give some assistance towards the development of the hotel industry.

Shri Dabhi: Am I to understand that nothing more than a hope was there?

Shri Alagesan: He referred to it as a promise. I referred to it as a hope.

श्री भक्त दर्शन : क्या इस सुझाव पर विचार किया गया है कि गवर्नमेंट को जो बहुत पुराने जमे हुए ऊंची श्रेणी के होटल हैं, उनको ही सहायता न दे कर के, उन छोटे-छोटे स्थानों के उन छोटे-छोटे होटलों को भी सहायता देनी चाहिये जो कि पर्यटन के अच्छे केन्द्र बन सकते हैं और क्या इस बारे में कोई कार्यवाही की जा रही है ?

Shri Alagesan: We have prepared a plan for development of tourism, in which we have included a provision for advancing loans to the hotel industry in suitable cases. No final decision has been taken on that. We are still in the stage of consultation with the Planning Commission. Then it will be time to consider as to how this loan should be utilised, and how best results could be obtained.

Railway Concessions

*2687. **Shri S. N. Das:** Will the Minister of **Railways** be pleased to state the total number of persons who have been allowed concessions in Railway fare so far for participating in the Kosi Project by offering voluntary labour, giving separate figures for different classes of travel?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): Upto 31st March, 1955, 17,400 persons taking part in voluntary work in connection with the construction of Kosi Project Embankment were granted rail concession. All these persons travelled in III class.

Shri S. N. Das: May I know the rate of concession that was given?

Shri Shahnawaz Khan: Half third class.

Shri S. N. Das: May I know the parts of the country from where these persons went to the Kosi Project?

Shri Shahnawaz Khan: They were mostly from regions falling within the North Eastern Railway.

Shri S. N. Das: May I know the basis on which these concessions are given, and whether any certificate is required from any organisation?

Shri Shahnawaz Khan: The Bharat Sewak Samaj are organising this voluntary effort or *shramdan* by the people for the Kosi Project, and any applications coming through the Bharat Sewak Samaj are granted these concessions.

Railway Concessions

*2689. **Shri Sanganna:** Will the Minister of **Railways** be pleased to state:

(a) whether any concessions in Railway fares were allowed to Volunteers of the National Extension Service in Orissa during the year 1954-55; and

(b) if so to what extent?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes.

(b) The concession was notified in December 1954 and, was in the nature of 1st class travel on payment of II class mail fare, II class travel on payment of Int. Class Mail fare, Int. Class travel on payment of III class mail fare, and III class travel on payment of half the III class mail fare, but it was not availed of by any volunteer in the State of Orissa.

Shri Sanganna: May I know whether the cost of these concessions is debited to the cost of the National Extension Service?

The Deputy Minister of Railways and Transport (Shri Alagesan): I could not follow the question.

Mr. Speaker: To what head is the cost of these concessions debited?

Shri Alagesan: There is no question of debiting the cost of the concessions. The concessions are granted. I do not know what he means by debiting the cost.

Mr. Speaker: The railway loses some revenue, and the point is whether that is added on to the cost of the National Extension Service.

Shri Alagesan: No.

Shrimati Renu Chakravartty: Are there any principles whereby decisions are taken as to who is to get concession or not, and what is the authority that grants these concessions?

Shri Alagesan: The Railway Board grants these concessions, and the principles are well-known. We have granted these concessions to people engaging themselves in *shramdan* in all these public works, *viz.* community projects, National Extension Service, and Specially the Kosi Project—these are a category by themselves.

Sardar Hukam Singh: We have been told that the concession was not availed of by any person in that region. Was it due to the fact that nobody went there to work or was it due to the fact that they wanted to travel in the lowest class and they did not get any concession so far as that travel was concerned?

Shri Alagesan: The concession is there even for third class. Half concession is given. So, there is no question of denying concession to the lower class. But I am not aware of the causes which led to the fact that no one availed of the concessions.

Mr. Speaker: The region here is Orissa.

RAILWAY LINES

*2690. **Shri Viswanatha Reddy:** Will the Minister of **Railways** be pleased to refer to the reply given to unstarred question No. 617 on the 22nd September, 1954 and state:

(a) whether any decision has since been taken with regard to the linking of Ongole with Bowringpet *via* Cuddapah by rail; and

(b) if so, when the survey is likely to be taken up?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) Does not arise.

Shri Viswanatha Reddy: May I know whether the Government of Andhra or the Government of Mysore have made any reference to this proposal?

Shri Alagesan: The Andhra Government have not so far sent any recommendation. We are awaiting the recommendation of the Andhra Government. I do not know whether the Mysore Government have included this in their recommendation; I do not have the list of lines recommended by the Mysore Government before me.

Shri Viswanatha Reddy: May I know whether apart from the recommendations of the State Government, the Government of India themselves will examine this proposal at an early date?

Shri Alagesan: It can be examined while we select new lines for construction, under the Second Five Year Plan.

Shri Viswanatha Reddy: May I know whether Government are aware that this proposed line cuts almost in a straight line four main broad gauge lines, and may I also know whether the hon. Minister himself had any occasion to refer to the railway map and plot these points on a map and see for himself the convenience of this line from the point of view of national interest?

Mr. Speaker: Order, order.

Shri Ramachandra Reddi: May I know what other alternative lines are being considered to cover that particular area?

Shri Alagesan: Even the main line is not just now under consideration. I do not know how the question of alternative lines arises.

Soil Erosion (Orissa)

*2690-A. **Shri Sarangadhar Das:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Government of Orissa have submitted any scheme to prevent soil erosion in the State;

(b) if so, the estimated cost of each scheme; and

(c) the arrangement that Government are making to prevent soil erosion in the entire catchment area of the Hirakud Dam?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) A statement is laid on the Table of the Lok Sabha. [*See* Appendir XII, annexure No. 52.]

(c) Financial assistance, in respect of a scheme for setting up a pilot soil conservation project in the catchment area of the Ib river which flows into the Hirakud dam is under consideration of the Central Soil Conservation Board.

Shri Sarangadhar Das: May I know Sir, in view of the fact that Dr. Savage had reported somewhere about 1948 that along with the building of the dam the catchment area that lies in Madhya Pradesh should be reafforested, why is it that nothing has been done in that area and it would create difficulty as the dam is being built up?

Dr. P. S. Deshmukh: Sir, as the House knows the Soil Conservation Board has only been constituted very recently and so far as the area referred to by my friend in his question is concerned, we have not had any proposal or any scheme submitted to us.

Shri Sarangadhar Das: May I know if it is not the duty of the Central Government, which has sponsored the Hirakud Dam, to implement the advice given by their adviser as long ago as 1948 that the catchment area in Madhya Pradesh should be reafforested to prevent soil erosion?

Dr. P. S. Deshmukh: If the matter is so important I am sure the Soil Conservation Board will take into account that recommendation.

Railway Accident

*2691. **Shri T. B. Vittal Rao:** Will the Minister of **Railways** be pleased to state:

(a) the number of passengers injured in the collision between the Janata Express and the two bogies at Dornakal station on the Central Railway on the night of the 6th April, 1955;

(b) the result of the enquiry conducted by the Divisional Superintendent, Central Railway, Secunderabad, into above accident; and

(c) whether Government propose to instal an Electric Track Circuit instrument at this station in view of the density of traffic obtaining at this station?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) As a result of the collision which occurred at about 4·24 hours on 7th April, 1955 and not on 6th April, 1955, as stated in the Question, four passengers, including one railway servant on duty, received slight injuries.

(b) According to the finding of the Departmental Officers' Enquiry Committee, of which the Divisional Superintendent, Secunderabad, was the President, the accident was brought about by the failure on the part of the Yard Assistant Station Master to

see that the line on which the train was to be admitted, was clear.

(c) There is no programme at present to provide Electric Track Circuit Instruments at Dornakal.

Shri T. B. Vittal Rao: May I know what is the criteria for installing these electric track circuit instruments at a Station?

Shri Shahnawaz Khan: Density of traffic.

Shri T. B. Vittal Rao: May I know the number of trains that are admitted at this station?

Shri Shahnawaz Khan: Sir, I cannot give the exact number just at present, but I would like to inform the hon. Member that in the matter of density this particular line comes fairly low as compared to other very heavily congested lines and if there is to be track circuiting the areas having the greatest density would have the priority.

Shri T. B. Vittal Rao: May I know if it is a fact that some officials are being prosecuted and if so, whether they have been suspended and are they being paid any subsistence allowance?

Mr. Speaker: How does that arise out of this?

Shri T. B. Vittal Rao: The result of the enquiry was that the accident was due to the failure of the human element.

Mr. Speaker: I think that is too remote a question and he may table a separate question for that.

Provident Fund Act, 1952

*2692. **Shri Tushar Chatterjea:** Will the Minister of **Labour** be pleased to state:

(a) whether Government have taken any decision with regard to the procedure to be adopted for the formation of the Board of Trustees for Provident Fund for factories exempted under Section 17 of the Employees Provident Fund Act; and

(b) if so, its nature?

The Deputy Minister of Labour (Shri Abid Ali): (a) No.

(b) Government is examining a proposal to restrict the election of the employees' representatives to the members of the Fund.

Shri Tushar Chatterjea: May I know when the decision is likely to be taken?

Shri Abid Ali: Before long.

Shri Tushar Chatterjea: In view of the fact that the matter is under consideration for long—one year—will it be finalised soon?

Shri Abid Ali: It will be completed early now.

Medical Schemes in Kutch

*2693-A. **Shrimati Sucheta Kripalani:** Will the Minister of **Health** be pleased to state:-

(a) the total grant sanctioned to Gandhidham Hospitals and Dispensaries (Kutch) for the current year;

(b) whether it is a fact that the grant for the current year has been reduced to half the amount sanctioned last year; and

(c) if so, the main reasons therefor?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) to (c). Information is being collected and when available will be placed on the Table of the Lok Sabha.

Fruit Research Stations

*2694. **Shri Viswanatha Reddy:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether any Fruit Research Stations are being run by the Central Government; and

(b) if so, the names of the places where they are situated?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) No, Sir.

(b) Does not arise.

Shri Viswanatha Reddy: May I know whether Government is aware

that some State Governments, particularly Madras and Andhra are conducting very valuable research in mountain fruits with almost great success and if so, whether the Government is making any efforts to give financial or other assistance to the State Governments?

Dr. P. S. Deshmukh: The Indian Council of Agricultural Research gives very substantial assistance for any such schemes and if they are of a proper character and duly worked out, I am sure they will get the assistance.

Shri Viswanatha Reddy: May I know whether it has been brought to the notice of the Government that the greatest impediment in the matter of production of fruits is the lack of cold storage facilities both at the producing centre as well as in the consuming centres, and if so, may I know whether the Government is making any efforts to provide these facilities?

Dr. P. S. Deshmukh: Yes, Sir. We are fully conscious of the requirements of the fruit industry. So far as cold storage both stationary as well as in transport is concerned, we are trying to do our best.

Shri S. N. Das: May I know whether the Government proposes to include in the Second Five Year Plan any schemes for starting research stations at various centres?

Dr. P. S. Deshmukh: Yes. This matter is under consideration so far as the next Five Year Plan is concerned and in all probability we will establish a Central Institute or a Research Centre on horticulture under the Central Government.

श्री भक्त दर्शन : क्या गवर्नमेन्ट ने कोई ऐसी योजना बनाई है या बनाने का विचार कर रही है जिस से कि फलों के सम्बन्ध में यह देश आत्मनिर्भर हो सके, और क्या इस सम्बन्ध में प्रान्तीय सरकारों को कोई सहायता दी जा रही है ?

डा० पी० एस० देशमुख : अभी फिलहाल तो हम ने हार्टिकल्चर स्कीम्स गो मोर फूड के अन्दर रखी थीं और उस के अन्दर जो सहायता मांगी गई थी, उस को देने का हम ने निश्चय किया था। आइन्दा जो फाइव इअर प्लेन चलने वाला है उस में भी इस बात का ध्यान रखा जायेगा और उम्मीद है कि हम कुछ न कुछ सहायता दे सकेंगे।

NATIONAL RICE COMMISSION

*2696. **Shri Sanganna:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the probable date by which the proposed National Rice Commission will be set up; and

(b) what will be its composition?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). The matter is under the active consideration of Government and it is expected that the National Rice Commission will be set up shortly.

Shri Sanganna: May I know whether this organisation is complementary to the ICAR or independent by itself? If it is independent how it is corelated to ICAR?

Dr. P. S. Deshmukh: ICAR sponsors only certain individual schemes whereas this Commission when it comes into existence will look to the various aspects that arise—both of production and distribution—but there will be no overlapping.

Shri Sanganna: What is the probable date by which this organisation will be set up?

Dr. P. S. Deshmukh: I do not think it will take more than a couple of weeks or a month.

Shri B. K. Das: May I know what will be the field of its investigations?

Dr. P. S. Deshmukh: We have put down a very wide field for investigation. If the hon. Member would like to know, they are: stepping up production of rice by better fertilising methods; improvement in the quality

of rice; mechanisation of rice production; development of extension service; keeping under review the scientific, technical and economic problems of rice; reducing loss through improved operational methods; utilisation of rice by-products; improving nutritional aspects of rice; use of rice fields for fish culture etc. etc.

Shri S. N. Das: May I know whether any estimate has been made of the financial requirements, both recurring and non-recurring?

Dr. P. S. Deshmukh: No final estimates have been made. For the time being we do not expect the expenditure to be very high but, when the activities develop, it is bound to be considerable.

RAILWAY SIDINGS

*2698. **Shri T. B. Vittal Rao:** Will the Minister of Railways be pleased to refer to the speech of the Deputy Minister during the General Discussion on the Railway Budget for the year 1955-56 and state:

(a) whether the siding charges for Singareni Collieries have since been revised;

(b) if so, the rate charged at present; and

(c) if the reply to part (a) above be in the negative, the reasons for the delay?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). These matter is still under examination.

(c) Due to the need for collection and consideration of the requisite factual data which are of a complicated nature and have a bearing on other matters also.

Shri T. B. Vittal Rao: May I know whether it was brought to the notice of the Railway by the management of the Singareni Collieries?

Shri Alagesan: Yes, Sir; also the hon. Member brought it to our notice during the Budget.

Shri T. B. Vittal Rao: When was this representation received by the Railway Board from the company?

Shri Alagesan: I do not have the date.

Mr. Speaker: Approximately the month?

Shri Alagesan: I do not have it, Sir.

Shri T. B. Vittal Rao: May I know if it is a fact that this representation was made to the Railway Board some 18 months back?

Shri Alagesan: May be. I thought it was longer than that; but, I am glad it is only 18 months. It is very complicated question. It is true that there is a difference between the charges levied in the Singareni coalfields and other coalfields of the Central Railway. We are going into the whole matter and we will be able to arrive at a decision rather soon.

Shri T. B. Vittal Rao: If and when a decision is arrived at, may I know whether it will be given retrospective effect?

Shri Alagesan: I will not be able to say that just now.

Shri T. B. Vittal Rao: May I know when the decision is likely to be arrived at?

Shri Alagesan: In fact, during the discussion of the Budget I said it will be arrived at soon. I say the same thing now.

Shri T. B. Vittal Rao: What are the peculiar difficulties that are confronting the Railway Board in removing this discrimination when it is only Re. 1 all over India?

Shri Alagesan: We have asked for information from the Central Railway. The information supplied by the Central Railway is not complete and we have asked for further information. On receipt of that information, the decision will be arrived at.

POSTAL STAFF UNIONS

*2663. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Communications** be pleased to state:

(a) whether Government have decided to accord recognition to a 10th Union of Extra Departmental Staff on completion of re-alignment of the Posts and Telegraphs Unions;

(b) If so, how it is proposed to form the Extra Departmental Staff Union and what steps Government intend to take in the matter; and

(c) if however, the reply to part (a) above be in the negative, when Government propose to recognise the New Union?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). The whole question is under detailed examination. It may, however, be added here that there are a large number of Extra Departmental agents who are employees of State Governments, Local Bodies etc., and are consequently subject to the disciplinary rules of these outside bodies. It would be anomalous and embarassing to their employers, if such persons are allowed to join any Union of E.D. employees, if recognised by the P. & T. Department. There should, however, be no objection to such of these Extra Departmental Agents who are outsiders or whose service conditions under other employers do not stand prejudiced thereby to join one of the appropriate arms of the re-aligned Unions.

Shrimati Tarkeshwari Sinha: May I know what is the total strength of the extra-departmental employees in the country and of that what percentage belong to the State Governments or Local Boards?

Shri Raj Bahadur: In round figures, it is about 51,200, out of which retired government servants are 2,800, government servants of other departments 20,100, private indivuals 28,300.

Shrimati Tarkeshwari Sinha: The hon. Minister said that a proposal for recognising their rights for forming Union is under the consideration of the Government. He also expressed the difficulties of the State government and Local Board employees. Therefore, can we have an idea of the principles and policy of the Government in regard to the organisation of the extra-departmental staff?

Shri Raj Bahadur: I have also indicated in the reply to the main question that we would welcome them joining one of the appropriate arms of the realighed Unions.

Shri V. Muniswamy: May I know, in view of the fact that the Federation has already been approved bv the Government, was not this question of including this extra-departmental staff taken into consideration at that time?

Shri Raj Bahadur: I do not think the question arises. The Federation has got 9 aligned Unions and this is a separate question.

EXPORT OF SUGAR

*2666. **Shri Ibrahim:** Will the Minister of **Food and Agriculture** be pleased to state the estimated quantity of sugar that will be available for export during the year 1955-56?

The Minister of Agriculture (Dr. P. S. Deshmukh): It is too early to say whether we will have to import sugar or will have a surplus to export.

But, Sir, according to calculations, there should be no need to import any additional sugar.

Shri S. C. Samanta: May I know whether the hon. Minister is aware of the huge quantity of jaggery or *gur* being heaped in Madras and whether Government will take any step in the form of turning this jaggery into sugar on a cottage industry basis so that that will be available for export?

The Minister for Food and Agriculture (Shri A. P. Jain): There is no proposal to convert jaggery into sugar on a cottage scale basis. But, of course if any of the manufacturers propose to do it, he is at liberty to do so. There is no proposal on behalf of Government.

Shri S. C. Samanta: The hon. Minister said that no estimate has been made as regards export. May I know whether there is any possibility of export?

Shri A. P. Jain: It is impossible to say anything with any definiteness at this stage. The next crushing season will begin in the month of November and it is only at that time that we shall be in a position to know what stocks we have; how much consumption there would be and on the basis of those figures alone one can reach some conclusions.

COCONUT PRODUCTION

*2685. **Shri Ibrahim:** Will the Minister of **Food and Agriculture** be pleased to state the percentage of shortfall at present in the production of conconut as compared to its demand in the country?

The Minister of Agriculture (Dr. P. S. Deshmukh): About 10 per cent.

Shri Altekar: May I know the steps taken by Government to step up the production of coconut?

Dr. P. S. Deshmukh: We have taken the usual steps of increasing the nurseries, trying to control pests and diseases and advising farmers and other people to get better yields and so on. We have also a proposal costing about Rs. 70 lakhs for the next Five Year Plan.

Shri S. C. Samanta: May I know whether research has been carried out to have existing trees bear more fruit?

Dr. P. S. Deshmukh: I expect that amongst the researches that are going on, this point also is under investigation.

Shri S. C. Samanta: May I know whether the State of Assam has been given any help for the production of conconut there?

Dr. P. S. Deshmukh: I am afraid I am not in a position to reply to that without notice.

Shri A. M. Thomas: May I enquire why when we are in short supply there has been a sharp fall in the price of coconuts, whether any representations have been received by the Government from the Central Coconut Committee and the Travancore-Cochin Government on this matter and what steps the Government have taken?

Dr. P. S. Deshmukh: May I point out that this question hardly arises out of this? I do not possess the information here.

LAND RECLAMATION

*2669. **Shri Bishwa Nath Roy:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the work of reclaiming *Kans* infested land and jungle land under the First Five Year Plan is proceeding according to the schedule; and

(b) whether the target fixed for the reclamation of land during the Plan period is expected to be achieved in time?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) The target is expected to be achieved before the end of the Plan period.

Shri Bishwa Nath Roy: May I know the target in acreage fixed for reclamation in the First Five Year Plan?

Dr. P. S. Deshmukh: Sir, originally when the scheme was undertaken, the target was 1·4 million acres. But, this was revised in 1952 and the target was 1·1 million. This has already been exceeded.

Shri Bishwa Nath Roy: May I know whether the attention of Government has been drawn to the new schemes for reclamation in U.P?

Dr. P. S. Deshmukh: There are certain State schemes of reclamation and certain schemes which we undertake. I do not know to which the hon. Member is referring.

Shri Bishwa Nath Roy: May I know, in view of the fact that the C.T.O. has done good work, its strength will be increased?

Dr. P. S. Deshmukh: Yes, we share the opinion with the hon. Member and we will be very glad to increase its work and activity.

WRITTEN ANSWERS TO QUESTIONS

Third Class Coaches

*2665. **Thakur Jugal Kishore Sinha:** Will the Minister of **Railways** be pleased to state:

(a) the number of third class coaches in use at present on the North Eastern Railway;

(b) the number of the III class coaches that have been so far fitted with fans; and

(c) the programme for fitting the remaining coaches with fans?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) 2156.

(b) 710.

(c) Those coaches which were under 20 years' of age on 1st April, 1949 are programmed to be fitted. The work is expected to be completed within 2 to 3 years.

बीकानेर रेलवे वर्कशाप

*२६६८. **श्री पी० एल० बारूपाल :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) बीकानेर रेलवे वर्कशाप से १९५२-१९५३ और १९५४ तक की कालावधि में कितने मूल्य के धातु के सामान आदि चुराये गये ,

(ख) उक्त काल में वर्कशाप से माल चुराते हुए कितने व्यक्ति पकड़े गये ,

(ग) कितने व्यक्तियों के विरुद्ध न्यायालयों में मुकदमे निलम्बित हैं , और

(घ) कितने व्यक्तियों को सजा दी गई ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां): (क) १९५२-५३ में ५६ रुपये और १९५४ तक १,५८४ रुपये ।

(ख) २१-१२-५४ तक १५ ।

(ग) कोई नहीं ।

(घ) केवल एक ।

National Farmers' Convention

*2673. **Shri Bhagwat Jha Azad:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that a National Farmers' Convention was held in New Delhi in the first week of April, 1955; and

(b) the decisions arrived at?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) A copy of the resolutions passed at the plenary Session of the Convention is placed on the Table of the Lok Sabha. [*See* Appendix XII, annexure No. 53.]

Locusts

*2678. **Shrimati Ila Palchoudhury:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Government of India have received any reports from the State Governments as to the total amount of loss in tons and in value caused by locusts to crops in the country during the year 1955 so far; and

(b) if so, how these figures compare with those of the previous year?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No damage has been reported so far.

(b) Does not arise.

Lady Village Level Workers

*2680. **Dr. Satyawadi:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the main features of the scheme for the training of lady village level

workers to be sponsored by Government through Bharat Sevak Samaj along with its financial implications; and

(b) whether any stipends would be paid to the trainees and if so, how much?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Ministry of Food and Agriculture have no proposal for the training of Lady Village Level Workers through Bharat Sevak Samaj. However, a scheme has recently been sanctioned for the establishment of Home Economics Departments in the States for imparting training to Women Village Level Workers. A Statement giving the essential features of the scheme as also its financial implications is laid on the Table of the Lok Sabha. [*See* Appendix XII, annexure No. 54.]

MALDA AERODROME

*2681. **Shri S. M. Ghose**: Will the Minister of **Communications** be pleased to state:

(a) whether the work of construction of an aerodrome in Malda will commence during the current year; and

(b) if so, how long it will take to complete it?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The West Bengal Government have been asked to acquire the land required for the construction of an aerodrome at Malda and the project is expected to be completed in 8 months after the land has been acquired and taken possession of.

चीनी की मिलें

*२६८८. ठाकुर बुगल किशोर सिंह : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या निकट भविष्य में बिहार राज्य से किसी अन्य राज्य में किसी चीनी मिल को हटाने का कोई प्रस्ताव है, और

(ख) यदि हां, तो क्या मिल मालिकों ने उससे अपनी सहमति प्रगट की है ?

खाद्य तथा कृषि मंत्री (श्री ए० पी० जैन): (क) जी नहीं।

(ख) सवाल होता ही नहीं।

CANCER

*2693. **Shrimati Ila Palchoudhury**: Will the Minister of **Health** be pleased to state:

(a) whether there is any proposal under the consideration of Government to educate the rural population of this country in regard to symptoms and dangers of the dreadful disease of Cancer; and

(b) if so, the nature of the proposal?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) and (b). The Health Education Bureau will certainly take up the work of educating the rural population also in regard to Cancer.

CO-OPERATIVE SOCIETIES OF POSTAL EMPLOYEES

*2695. **Thakur Jugal Kishore Sinha**: Will the Minister of **Communications** be pleased to state what special facilities are given by Government to encourage and develop the Co-operative Societies of the Postal employees?

The Deputy Minister of Communications (Shri Raj Bahadur): A statement giving the required information is laid on the Table of the Lok Sabha. [*See* Appendix XII, annexure No. 55.]

FOOD IMPORTS

*2697. **Shri Ibrahim**: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether there has been a fall in the import of foodgrains and foodstuffs during the period July to October, 1954; and

(b) if so, the total value of imports from the Dollar and Sterling areas, during the above period, separately?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) If the comparison is with the preceding period of 4 months, the reply is in the negative.

(b) Approximately Rs. 776 lakhs from the dollar area and Rs. 3902 lakhs from the sterling area.

ANTI-POLIO VACCINE

*2699. **Shrimati Ila Palchoudhury:** Will the Minister of **Health** be pleased to state:

(a) whether Government are aware that a new anti-polio vaccine known as 'the Salk' has very recently been discovered in America; and

(b) if so, whether Government propose to take immediate steps to import this vaccine in adequate quantity for use in this country?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) Authentic scientific data on the efficacy of this polio-vaccine together with details regarding the method of standardization of the vaccine have been called for. The question of its import for use in this country will be considered after examination of these details.

NEGOTIATING MACHINERY

1105. **Chaudhri Muhammed Shaffee:** Will the Minister of **Railways** be pleased to state:

(a) the number of meetings of the Negotiating Machinery in Northern Railway held at all levels in the year 1954;

(b) the number of representations received in the meetings;

(c) the number of items on which agreement was reached and which have been implemented so far; and

(d) the causes of the delay, if any, in the implementation of the items agreed upon?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 43.

(b) 2,574.

(c) 1,109.

(d) There has been no undue delay in the implementation of the items agreed upon by the Railway Administration in the meetings held under the Negotiating Machinery, but the implementation of certain items involves considerable time for collection of the necessary details and for examination. Delays are also due to causes; for example to implement a decision regarding leave reserves there was a shortage of trained personnel in some categories.

Ex-EMPLOYEES OF RATIONING DEPARTMENT

1106. **Chaudhri Muhammed Shaffee:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of *ex*-employees of the Civil Supplies Department who have been absorbed in the Central Government Departments since October, 1954; and

(b) how many are still on the waiting list?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Information is not readily available.

CENTRAL GOVERNMENT MECHANISED FARM

1107. **Chaudhri Muhammed Shaffee:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the progress made so far at the Central Mechanised Farm in Jammu and Kashmir State since it began to function;

(b) the number of tractors working in this farm and the total amount spent thereon; and

(c) the total annual profit or loss?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (c). A statement giving the required information is placed on the Table of the **Lok Sabha**. [*See* **Appendix XII, annexure No. 56.**]

डाक सम्बन्धी सुविधायें

१९०९. श्री भक्त दर्शन : क्या संचार मंत्री यह बताने की कृपा करेंगे कि वित्तीय वर्ष १९५४-५५ में उत्तर प्रदेश के पांच पहाड़ी जिलों अर्थात्, देहरादून, टिहरी गढ़वाल, अलमोड़ा, नैनीताल और गढ़वाल में किन किन स्थानों पर निम्न सुविधायें दी गई अथवा हटाई गई :

(१) नये डाकघरों का खोला जाना ,

(२) तार सम्बन्धी सुविधाओं का दिया जाना ;

(३) नये सार्वजनिक टेलीफोन के कार्यालय और टेलीफोन एक्सचेंज ,

(४) तारघरों, सार्वजनिक टेलीफोन कार्यालयों, टेलीफोन एक्सचेंज और डाकघरों का बन्द किया जाना , और

(५) विभागातिरिक्त डाकघरों का विभागीय डाक घरों में बदला जाना ?

संचार उपमंत्री (श्री राज बहादुर): (१) जिला देहरादून के देवरी, अशोक आश्रम, प्रेमनगर, रिफ्यूजी कैम्प देहरादून, धनो और तपोवन में ।

टिहरी गढ़वाल के चमियाला, क्वीलाखल, ग्योंला मुखेन, डंगी, किलकेश्वर, कण्डर, कोंदियाला, सिल्कोखल, छेरावधेर, धारकोट, मजोफ, भटवारी, धनारी, और खंडारी में । जिला अलमोड़ा के भगतोला, पंखु, खंटोली, लखन दोराम, क्वाली, अलागारा, दुनागिरि, पोलहल, खाली और मनीला में ।

जिला नैनीताल के अर्जुनपुर, धनचौली, कुंडेश्वरी, ब्रिस्ट इस्टेट और डिग्री कालिज नैनीताल में ।

जिला गढ़वाल के कंडा, कल्ला, भीरा, सुडंसी, उपरैंनखल, कलाजीखल, सिरसू, कोथुली कंडारा, जखला खल, मल्ल महोदय, मसौंचौंथान, धरद्, मताइ, खाजेदवल, रातुड़, सेंमी खल, देवीखा, जख सिमाला, मल्ला, सल्लागी, लमगौंडी और चिंदवारा में ।

(२) १. कीर्तिनगर (पौंरी)

२. अरहत बाजार (देहरादून)

३. भीमकोड़ा (देहरादून)

(३) सार्वजनिक टेलीफोन कार्यालय

(१). डाक पत्थेर (देहरादून)

टेलीफोन कार्यालय

१. रुद्रपुर (नैनीताल)

२. किछा (नैनीताल)

३. चनहरपुर (देहरादून)

(४) कोई नहीं ।

(५) विभागातिरिक्त शाखा डाक-घर गरर्विंग (अल्मोड़ा) और विभागातिरिक्त शाखा डाक-घर जहरी खल गरर्विंग (अल्मोड़ा) इन कार्यालयों को विभागीय उप कार्यालयों में बदला गया ।

P. AND T. CAMP

1109. **Chaudhri Muhammed Shaffee:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that the Matapan Line Posts and Telegraphs Camp was constructed originally on temporary basis for three years only;

(b) whether it is a fact that certain barracks in this Camp have been declared dangerous for living;

(c) if so, what steps are being taken to give some suitable permanent accommodation to the employees; and

(d) how long it would take to provide them with alternate accommodation and the total amount proposed to be spent thereon?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The Matapan Line P. & T. camp is located in temporary barracks constructed by the Military authorities during the war. No records are available to show how many years these barracks were expected to last, but ordinarily the

life of such temporary barracks is taken as three to five years.

(b) Yes.

(c) One of the barracks reported to be in a more dangerous condition has been vacated and alternative accommodation allotted to the officials resident in it. In consultation with the C.P.W.D. the other barracks declared dangerous will be vacated in turn and repairs carried out progressively. The proposal for construction of quarters for these residents has since been approved.

(d) About 2½ to 3 years; approximately Rs. 18.0 lakhs.

P. AND T. BUILDINGS

1110. Shri S. C. Samanta: Will the Minister of **Communications** be pleased to state:

(a) the value of construction work taken in hand and completed for the Posts and Telegraphs Department during the years from 1947 to 1954 (year by year);

(b) whether it is a fact that the Communications Ministry has come to a decision as to the specifications of Post and Telegraph buildings;

(c) if so, the number of buildings constructed according to these specifications up-to-date by the Central Public Works Department; and

(d) how many such buildings are going to be constructed in 1955-56?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The required information in the matter is appended below:

Year	Expenditure
1947-48	Rs. 54,77,000
1948-49	Rs. 81,49,112
1949-50	Rs. 91,08,081
1950-51	Rs. 97,86,005
1951-52	Rs. 1,00,59,736
1952-53	Rs. 1,22,40,542
1953-54	Rs. 1,08,72,841
1954-55	Rs. 1,08,73,141

(b) Type designs for small Post Offices have been evolved. The constructional specifications are prepared by the C.P.W.D. according to the requirements of each place.

(c) 21 upto 1954.

(d) 127 have been provided for.

ANTI-MALARIA DRUG

1111. Shri S. N. Das: Will the Minister of **Health** be pleased to refer to the reply given to starred question No. 672 on the 2nd December, 1954 and state:

(a) the result of the enquiries made in regard to the drug which is said to be ten times more efficacious than quinine for the treatment of malaria;

(b) whether this drug is being manufactured on a commercial basis; and

(c) whether it has been obtained for experimental purposes?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) to (c). Enquiries made through the Embassy of India in Moscow indicate that the preparation is at present undergoing clinical approval in practical conditions in areas where Malaria is prevalent. No other information is available.

खरीफ की फसल

११११. { डा० राम सुभग सिंह :
श्री बी० एन० राव :

क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १९५४-५५ में जितने एकड़ भूमि में खरीफ की फसल काश्त की गई, वह १९५३-५४ की अपेक्षा कम थी ;

(ख) यदि हां, तो उक्त कालावधि में कितने एकड़ भूमि में खरीफ की फसलों की काश्त की गई ; और

(ग) उक्त कालावधि में खरीफ की कितनी फसल हुई ?

खाद्य तथा कृषि मंत्री (श्री ए० पी० जैन) : (क) जी हां ।

(ख) तथा (ग). एक विवरण शामिल किया जाता हैं जिस में अब तक मिली हुई जानकारी दर्ज की गई हैं [तीसवें परिशिष्ट १२, अनुबन्ध संख्या ५७].

INDIAN SHIPPING

1113. **Shri S. C. Samanta:**. Will the Minister of **Transport** be pleased to state:

(a) the average quantity of coal lifted by an Indian Coaster from Calcutta to Madras per trip;

(b) whether such Coasters get return Cargo from Madras or some other ports; and

(c) the average income earned by such Coasters per trip?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) About 6500 tons.

(b) Availability of return cargo for such Coasters from Madras or some other ports has been generally poor.

(c) The average gross income earned by such Coasters is estimated to be about Rs. 1,75,500/- per trip.

ROLLING STOCK

1114. **Thakur Jugal Kishore Sinha:** Will the Minister of **Railways** be pleased to refer to the reply given to starred question No. 2060 on the 7th April 1955 and state:

(a) the names of the countries from which the 407 Coaches have been imported and the names of the Railways using them; and

(b) how these coaches compare in cost and comforts to Indian-made coaches?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Belgium, United Kingdom, Switzerland and Japan. They have been allotted to Central, Eastern and Southern Railways.

(b) The imported coaches cost a little more than the corresponding Indian-made coaches while the comforts in the imported ones are generally the same as those provided in the Standard indigenous coaches.

AIR SERVICE IN NORTH BIHAR

1115. **Thakur Jugal Kishore Sinha:** Will the Minister of **Communications** be pleased to state whether there is any proposal to put any town of North Bihar on the North Bihar regular air line service?

The Deputy Minister of Communications (Shri Raj Bahadur): No, Sir. There is no proposal at present to air link any new town of North Bihar, in addition to Patna and Muzaffarpur which are airlinked by the Calcutta/Kathmandu and Calcutta/Delhi stopping services.

ARECANUT PRODUCTION

1116. **Shri Ibrahim:**. Will the Minister of **Food and Agriculture** be pleased to state:

(a) the quantity of arecanut produced annually, State-wise; and

(b) the average number of persons employed in the industry, State-wise?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) A statement is placed on the Table of the Lok Sabha [*See* Appendix XII, annexure No. 58].

(b) No reliable statistics are available on this subject.

NEW RAILWAY LINE

1117. **Shri S. C. Samanta:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a proposal for the opening of a new Railway line either from Kolaghat, Machada, Bhogpur or Panchkura to Contai on Eastern Railway *via* Tamluk Town during the Second Five Year Plan has been made; and

(b) if so, by whom?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, from Machada to Digha *via* Tamluk and Contai.

(b) By the State Government.

दूसरी पंचवर्षीय योजना में रेलवे लाइनें

११२८. **श्री पी० एस० बारूपाल** : क्या रेलवे मंत्री सभा पटल पर एक विवरण रखने की कृपा करेंगे जिसमें यह दिखाया गया हो कि दूसरी पंचवर्षीय योजना के दौरान में नई रेल की लाइनों के खोलने के लिये अभी तक किन किन राज्य सरकारों ने अपने प्रस्ताव भेजे हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): दूसरी पंचवर्षीय योजना में नयी लाइनें बनाने के सम्बन्ध में अब तक इन राज्यों से सुझाव आये हैं :—

(१) आन्ध्र को छोड़कर 'क' और 'ख' भाग के सभी राज्य ।

(२) विलासपुर, दिल्ली, हिमाचल प्रदेश और मनीपुर को छोड़कर 'ग' भाग के सभी राज्य ।

नकली दवाइयां

११२०. **श्री ए० आर० सेबल** : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) देश में घटिया किस्म की और नकली दवाइयां बनाने वाले ऐसे कितने निर्माताओं को अभी तक दवाओं के निर्माण के उद्योग के संचालन की जांच पड़ताल करने के लिये सरकार द्वारा नियुक्त की गई भेषजीय जांच समिति द्वारा की गई जांच के फलस्वरूप, अर्थ-दण्ड अथवा कारावास दण्ड दिया गया , और

(ख) क्या ऐसे उपायों के फलस्वरूप स्थिति में सुधार हुआ है ?

स्वास्थ्य उपमंत्री (श्रीमती चन्द्रशेखर) : (क) The Drugs (Amendment) Act, 1955 के अधीन, जैसा कि Pharmaceutical Enquiry Committee ने सिफारिश की है, नकली और घटिया किस्म की दवाएं तैयार करने वालों को सख्त सजा दी जाती है । पार्लियामेन्ट ने हाल में ही यह एक्ट पास किया है और १५ अप्रैल, १९५५ से लागू हुआ है । भारत सरकार के पास कोई सूचना नहीं मिली है जिससे मालूम हो कि विभिन्न राज्यों में वैसी दवा तैयार करने वाले को इस एक्ट के अधीन जुर्माना या जेल की सजा मिली है ।

(ख) इतनी जल्दी एक्ट के परिणाम के बारे में पता लगाना सम्भव नहीं ।

CONTRIBUTORY HEALTH SERVICE SCHEME

1121. Shrimati Maydeo:. Will the Minister of **Health** be pleased to state the amount recovered from Central Government employees by way of contribution towards the Contributory Health Service Scheme during 1954-55?

The Deputy Minister of Health (Shrimati Chandrasekhar): Figures for the period mentioned are not yet available.

INDIAN AIRLINES CORPORATION

1122. Shri T. B. Vittal Rao: Will the Minister of **Communications** be pleased to state whether it is a fact that the Conduct Rules framed by the Indian Airlines Corporation do not conform to the provisions laid down in the Industrial Employment (Standing Orders) Act, 1946, which is applicable to the Corporation?

The Deputy Minister of Communications (Shri Raj Bahadur): Under Sub-Section (2) of Section 3 of the Industrial Employment (Standing Orders) Act, 1946 the Rules framed in respect of a Concern should conform, as far as practicable, to the Model Rules given in the above Act. The Conduct Rules framed by the Indian Airlines Corporation are mostly on the lines of the Model Rules. Necessary action for getting these Rules certified under the above Act has also been taken by the Corporation.

EMPLOYEES OF FORMER AIR INDIA LTD.

1123. Shri T. B. Vittal Rao: Will the Minister of **Communications** be pleased to state whether the directions issued by Government under Sub-section (2) of Section 20 of the Air Corporations Act, 1953, have been complied with by the Indian Air-lines and Air India International Corporations with regard to the twelve discharged employees of the former Air India Limited?

The Deputy Minister of Communications (Shri Raj Bahadur): The Government of India issued orders to the Air Corporations under sub-section (2) of section 20 of the Air Corporations Act, 1953, that these twelve discharged employees should be re-employed as "fresh recruits". These orders have been complied with by the Air Corporations but two of such employees to whom offers of appointment were sent by the Air India International did not convey their acceptance of offers within the time limit prescribed and allowed the offers to lapse.

RAILWAY APPOINTMENTS

1124. Shri Ramji Verma: Will the Minister of **Railways** be pleased to state:

(a) whether the attention of Government has been drawn to an article that appeared in the "Railway World", New Delhi of February, 1955 and contained various allegations against the Medical Officer of the Northern Railway; and

(b) if so, the action taken in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes. The Railway concerned would look into the matter if considered necessary.

SHORTAGE OF WAGONS

1125. Shri Viswanatha Reddy: Will the Minister of **Railways** be pleased to state:

(a) whether any representation has been received recently from the fruit growers of Rajampet Taluk in Andhra State regarding the shortage of wagons for the export of fruits from that place; and

(b) if so, the action taken thereon?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, representations have been received by the Southern Railway Administration from plantain merchants at Rajampet, that facilities regarding provision of transport by coaching trains for the movement of plantain tars to Byculla are inadequate.

(b) Generally, there has been no delay in the clearance of the consignments of plantain tars offering at Rajampet station for Byculla. There has been no delay to any of the consignments in the month of March except on the 10th due to lack of room on the train. During April upto the 19th the clearance was current except in respect of some consignments offered on the 3rd, 9th and the 11th of the month which were despatched on the day following.

FRUIT PRODUCTION

1126. Shri Viswanatha Reddy: Will the Minister of **Food and Agriculture** be pleased to state the amount sanctioned, State-wise, for the development of fruit production during the current year?

The Minister of Food and Agriculture (Shri A. P. Jain): A statement showing the amounts so far agreed to for fruit production schemes under G.M.F. during the current financial year is laid on the Table of the Lok Sabha. [*See* Appendix XII, annexure No. 59].

MOTOR VEHICLE TAXATION

1127. Shri Viswanatha Reddy: Will the Minister of **Transport** be pleased to state:

(a) whether Government propose to introduce a uniform Motor Vehicle Taxation policy in pursuance of the recommendation of the Taxation Enquiry Commission in this regard; and

(b) if so, whether it is proposed to call for a conference of the representatives of State Governments to consider this question?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). The matter is under consideration.

RURAL MAIL DELIVERY SERVICE

1129. Shri Krishnacharya Joshi: Will the Minister of **Communications** be pleased to state:

(a) whether mails are conveyed in rural areas by cycles also; and

(b) if so, the total number of mileage covered by cycle mail service during 1954?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes; wherever feasible.

(b) Information is being collected and will be laid on the Table of the Lok Sabha.

POSTAL STAMPS

1130. Shri Kajrolkar:. Will the Minister of **Communications** be pleased to state:

(a) whether any representation has been received by Government regarding the stamping of the slogan "Remove Untouchability" on all postal stamps; and

(b) if so, the steps taken in the matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) The selection of a suitable slogan is under examination.

NEW POST OFFICES

1131. Shri H. N. Mukerjee: Will the Minister of **Communications** be pleased to state the number of post offices opened during the period from January to March, 1955?

The Deputy Minister of Communications (Shri Raj Bahadur):

Rural	*Urban*
2,272	114

LOCAL SELF GOVERNMENT MINISTERS' CONFERENCE

1132. Shri Krishnacharya Joshi: Will the Minister of **Health** be pleased to state:

(a) the main functions of the *ad hoc* body constituted by the Local Self Government Ministers' Conference held in June, 1954 at Simla; and

(b) the proposals submitted by this *ad hoc* Body to the Planning Commission in regard to the problems of Rural and Urban Water Supply?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) The *ad hoc* body was set up to assess the needs of the various local bodies in the States for loans and subsidies for important development programmes such as water supply, drainage, etc. and to discuss with the Planning Commission the allocation of Funds for this purpose in the first and second Five Year Plans.

(b) The *ad hoc* Body recommended to the Planning Commission in August, 1954 that a sum of Rs. 50 crores should be provided for the whole country in connection with schemes of water supply, drainage and sullage, during the remaining period of the First Five Year Plan.

भारत-पाकिस्तान रेल यातायात

११२२. **श्री भागवत झा आजाद :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १५ अप्रैल, १९५५ को, कराची में भारत के पुनर्वास मंत्री और पाकिस्तान के संचार मंत्री के बीच हुई बातचीत की समाप्ति के बाद, जारी की गई संयुक्त विज्ञप्ति में भारत और पाकिस्तान के बीच जिन चार रेलवे लाइनों की चर्चा की गई उन को फिर से चालू करने पर अनुमानतः कितना व्यय होगा , और

(ख) यह लाइनें यातायात के लिये कब खोली जायेंगी ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) दोनों सरकारों की ओर से जारी की गयी

विज्ञप्ति [*Communique*] में बताया गया है कि दोनों सरकारों ने नीचे दिये गये स्टेशनों के बीच चार सीधी सवारी गाड़ियां [Through Passenger Services] चलाने की बात मान ली है :--

(१) सहारनपुर होकर लाहौर (पाकिस्तान) और कलकत्ता (भारत),

(२) लाहौर (पाकिस्तान) और दिल्ली (भारत),

(३) दिल्ली होकर लाहौर (पाकिस्तान) और बम्बई, और

(४) खोखरापार होकर हैदराबाद सिन्ध (पाकिस्तान) और अहमदाबाद (भारत)।

सीधी गाड़ियां चलाने से खर्च बढ़ने की कोई संभावना नहीं है क्योंकि ये डिब्बे उन सवारी गाड़ियों के साथ जोड़ दिये जायेंगे जो भारत के इन सेक्शनों पर पहले से चल रही हैं।

नीचे लिखी दो नयी रेलवे लाइनों के चालू करने पर जो खर्च होगा उसकी सूचना इकट्ठी की जा रही है और सभा-पटल [Table of the House] पर रख दी जायगी :-

(१) कसूर (पाकिस्तान)--फिरोजपुर (भारत),

(२) खोखरापार (पाकिस्तान) और फिरोजपुर (भारत)।

(ख) जनरल मैनेजर, उत्तर रेलवे की सलाह से इस पर विचार किया जा रहा है। सहारनपुर होकर लाहौर और कलकत्ता के बीच सीधी गाड़ियां चलाने के सम्बन्ध में यह फैसला हुआ है कि १ जून, १९५५ से इस लाइन को चालू करने की पूरी कोशिश की जाये।

यात्रियों को सुविधायें

११२४. **श्री एस० एन० दास** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पूर्वोत्तर रेलवे के लखनऊ-कटिहार सेक्शन पर मुहीउद्दीन नगर रेलवे स्टेशन पर पीने के लिये और नहाने के लिये पर्याप्त जल देने की कोई उचित व्यवस्था नहीं की गई है,

(ख) क्या इस स्टेशन पर यात्रियों को यह सुविधायें देने के लिये कोई कार्यक्रम है, और

(ग) यदि हां, तो वह किस प्रकार का है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) मुहीउद्दीन नगर स्टेशन पर पीने के लिए हर समय ठण्डा और ताजा पानी मिलता है। लेकिन यहां नहाने का कोई प्रबन्ध नहीं है क्योंकि यह एक छोटा स्टेशन है और यहां थोड़े से लोग गाड़ी पर चढ़ते और उतरते हैं।

(ख) और (ग). इस स्टेशन पर नहाने के लिए कोई प्रबन्ध करने का विचार नहीं है।

AGRONOMY

1135. Shri Sanganna: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that Mr. Samuel Wright, Agricultural Engineer, Ford Motor Company and consultant of the Royal Agricultural Society, visited India during December, 1954 to study the Agronomy of this country;

(b) if so, the names of the States he visited; and

(c) what are his impressions on the Indian Agronomy?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (c). The Planning Commission in the First Five Year Plan recommended that a Tractor Testing Station should be established in the country. As the matter is of a highly technical nature, services of an Expert under the Colombo Plan were sought for advice to the Government for preparation of Plans for the project. The U. K. authorities have assigned Mr. Wright who arrived

in India on 29-1-55. He has since visited Bhopal, Nagpur, U.P. and Jammu with a view to hold discussions with the local authorities there on matters relating to the Tractor Testing Station. He did not visit these places for study of Agronomy of India.

Mr. Wright has made certain proposals regarding Tractor Testing Station and procurement of equipment therefor which are under examination of the Government. It has been tentatively decided, on his recommendation, to locate the Station at Central Tractor Organisation, New Pusa, New Delhi. Mr. Wright's present assignment is up to the end of April 1955.

MORTALITY STATISTICS

1136. Shri S. C. Samanta: Will the Minister of **Health** be pleased to refer to the answer given to unstarred question No. 317 on 26th February, 1953 and lay on the Table of the House a statement showing the number of deaths in the Indian Union from (i) Malaria (ii) Tuberculosis (iii) Cholera and (iv) Small-pox during the years from 1951 to 1954?

The Deputy Minister of Health (Shrimati Chandrasekhar): Owing to lack of facilities in India for the collection of vital and health statistics, complete information on the subject is not available. A statement compiled from the information received by the Government of India from the State Governments is laid on the Table of the Lok Sabha. [*See* Appendix XII, annexure No. 60]

SOIL FERTILITY

1137. Shri Ibrahim: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government have accepted the recommendations of the Soil Conservation Society of India in respect of trials to test the combined effect of manuring with different organic manures and fertilizers, irrigation, spacing, inter-culture varieties and crop rotation, with a view to increasing fertility of the soil; and

(b) whether experimental stations have been set up in the River Valley areas for this purpose?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). The recommendations made by the Soil Conservation Society of India are under consideration of the Central Soil Conservation Board.

INDIAN AIRLINES CORPORATION

1138. Shri T. B. Vittal Rao: Will the Minister of **Communications** be pleased to state:

(a) the number of employees of the Indian Airlines Corporation who are occupying quarters in I.N.A. Colony; and

(b) the number of quarters that have been allotted to the Civil Aviation employees?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No employee of the Indian Airlines Corporation has been allotted quarters in I.N.A. Colony.

(b) 111.

MARINE OFFICERS AND ENGINEERS

1139. Shri Raghunath Singh: Will the Minister of **Transport** be pleased to state the total number of Officers and Engineers trained in the Training Ship "Dufferin", the Marine Engineering College, Calcutta and Nautical and Engineering College, Bombay in the last three years?

The Deputy Minister of Railways and Transport (Shri Alagesan): The required information is furnished below:-

Training Ship 'DUFFERIN'	142
Directorate of Marine Engineering Training	94
Nautical and Engineering College	658
TOTAL	894

INDIAN SHIPPING

1140. Shri Raghunath Singh: Will the Minister of **Transport** be pleased to state the number of ore carriers which India or Indian Shippers at Bombay possess at present?

The Deputy Minister of Railways and Transport (Shri Alagesan): There are no ships owned by Indian shipping

Companies which are specially designed and equipped for the carriage of bulk cargoes like 'ore'. It may, however, be stated that any ship which can carry general cargo is also capable of carrying ore cargo in parcels and in that sense all general cargo carriers owned by Indian Shipping Companies can be regarded as 'ore carriers.' The number of such ships owned by Indian shipping companies is 55.

RAILWAY WAGONS

1141. Shri Sarangadhar Das: Will the Minister of **Railways** be pleased to state:

(a) the number of wagons required by the mine owners daily to export ores from Bara Jamda area to Kidderpore Docks, Calcutta during the period from the Ist January to the 31st March 1955;

(b) the number of wagons supplied daily by the Eastern Railway in this area;

(c) whether Government have received any representations from the Mine owners and from the Orissa Chamber of Commerce regarding the non-supply of wagons in this area for this purpose; and

(d) if so, the steps already taken or proposed to be taken?

The Deputy Minister of Railways and Transport. (Shri Alagesan): (a) and (b). This information for mine-owners separately is not readily available, however, figures of indents registered during January, February and March 1955 by the various consignors including mine-owners, in the Bara Jamda area for the movement of manganese and iron ores to K.P. Docks together with the figures of supply of wagons are given below:—

Total indents from January to March 1955 including 428 outstandings on 31-12-54 and the 26 against which allotment was made on 31-12-54 but loading was done in January 1955.... 4,555

Total loading from 1st January, to 31st March 1955 including 26 against allotments made on 31-12-54. 4,000.

Therefore, total outstandings on 31-3-1955. 555

The daily average position of indents registered during the months January to March 1955 and the daily average supply of wagons against indents including those outstandings from the previous period was as follows:—

Month in which indents registered.	Daily average number of indeceets for wagons registered (excluding those carried forward from December, 1954).	Daily average supply of wagons
January 1955	71	49
February 1955	2[illegible]	28
March 1955	48	55

These averages ignore fractions.

(c) Representations have been received regarding the inadequacy of the supplies.

(d) The demands for the movement of manganese and iron ores from the Bara Jamda area to Kidderpore Docks for export were being fully met upto about the 24th of December, 1954. Since then, owing to a considerable increase in the overall demands of traffic, as usual during the busy season, it has not been feasible to maintain the movement of export ores at the same level. An appreciable improvement can be expected only when the overall demands diminish sufficiently, as usual generally in the past, during the slack season. Some improvement is, however, already noticeable from the volume of outstandings as on 10-4-55 as indicated by the following comparative figures:—

Month	*Outstanding Indents*
January 1955	*655 (on 31-1-55)
February 1955	691 (on 28-2-55)
March 1955	555 (on 31 3-55)
April 1955	386 (on 10-4-55)

*Including 428 outstanding on 31-12-54.

CENTRAL MECHANISED FARM EMPLOYEES UNION

1142. Shri H. N. Mukerjee: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the attention of Government has been drawn to the alleged victimisation of certain office-bearers of the Central Mechanised Farm (Nandpur, Jammu and Kashmir) Employees Union; and

(b) if so, the steps taken in the matter?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). The Member is presumably referring to the termination of services of two employees of the Central Machnanised Farm. It is not correct that there was any victimisation in this case. The Government were compelled to terminate their services for unsatisfactory work and conduct.

EMPLOYMENT EXCHANGES

1143. Dr. Rama Rao: Will the Minister of **Labour** be pleased to lay on the Table of the House a statement showing the number of Scheduled Castes Graduates, Under-Graduates, Matriculates and other Scheduled Caste applicants, registered with Employment Exchanges, State-wise, during the year 1954?

The Deputy Minister of Labour (Shri Abid Ali): Statewise information according to educational qualifications in respect of Scheduled Caste applicants registered during 1954 with the Exchanges is not available. This information is maintained only in respect of the candidates who remain on the Live Register at the end of the year. Statements showing (i) the total number of Scheduled Caste applicants registered (State-wise) by the Exchanges during 1954 and (ii) the position in respect of Scheduled Castes Graduates, Under-Graduates, Matriculates and others, who remained on the Live Registers at the end of 1954, are placed on the Table of the Lok Sabha. [*See* Appendix XII, annexure **No. 61**].

TRIBUNALS FOR P. & T. STAFF

1144. Chaudhri Muhammed Shaffee: Will the Minister of **Communications** be pleased to state:

(a) whether any proposal is under the consideration of Government to appoint Appellate Tribunals in all the circles to hear petitions of the aggrieved postal officials; and

(b) if so, when the said Appellate Tribunal will be appointed?

The Deputy Minister of Cammunications (Shri Raj Bahadur): (a) A proposal to appoint Appellate Tribunal(s) in the Posts & Telegraphs Department either on an all-India basis or on a zonal basis is under Government's consideration.

(b) The matter is still under examination.

BEZWADA RAILWAY STATION

1145. Shri B. S. Murthy: Will the Minister of **Railways** be pleased to state:

(a) the amount so far spent on the re-modelling of station yard at Bezwada;

(b) the changes in the original schemes, if any; and

(c) the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). Rs. 1,30,472/- to the end of February, 1955. Practically no change is involved except a change in siting the yard. The previously proposed site of the new yard involved acquisition of low lying, fertile agricultural land, on which considerable earth work would have been necessary. The site was, therefore, changed before any expenditure had been incurred to obviate the possibility of dislocation of yard work due to soil subsidence.

NEW RAILWAY LINE

1146. Shri Boovaraghasamy: Will the Minister of **Railways** be pleased to state:

(a) whether Government have received any representation for the construction of a railway line connecting Needamangalam and Vriddhachalam (*via*) Kumbakonam, T. Palur, Jayan Kondam and Andimadam in the Southern Railway;

(b) if so, when; and

(c) the action taken in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A representation has been received for laying a railway line from Kumbakonam to Vriddhachalam.

(b) In July, 1952.

(c) The proposal was referred to the State Government who were of the opinion that this project could be considered after other more urgently needed lines had been constructed.

PERAMBALUR PUBLIC CALL OFFICE

1147. Shri Boovaraghasamy: Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that Government propose to close the Public Call Office at Perambalur in Tiruchi District in Madras State;

(b) if so, the reason therefor; and

(c) whether Government have received any memorandum from the people of Perambalur Taluk not to remove this Public Call Office?

The Deputy Minister of Communications. (Shri Raj Bahadur): (a) and (b). Perambalur Public Call Office was opened in 1952 on a guarantee basis. The guarantor has fallen in arrears. The closure of the Public Call Office would have to be considered if the payment due is not settled.

(c) Yes.

RICE BREEDING CENTRE

1148. Shri Sanganna: Will the Minister of **Food and Agriculture** be pleased to state whether there is any proposal to organise a Training Centre on Rice Breeding at Cuttack for three months from September, 1955?

The Minister of Food and Agriculture (Shri A. P. Jain): Yes.

CENTRE ON LAND PROBLEMS

1149. Shri Sanganna: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that the Government of India was represented at the Centre on Land Problems sponsored by the Thailand Government and the F.A.O. with the Co-operation of the I.L.O., E.C.A.F.E. and the International Bank from the 22nd November to the 11th December, 1954;

(b) if so, the aims and objects of the centre; and

(c) whether it is also a fact that this Centre is one of the series of such centres to be opened in future?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) The object of the Centre was to provide an opportunity to participants to discuss land problems in Asia and Far East, particularly those relating to land tenure, and to exchange ideas on experiences in national policies and measures designed to meet those problems.

(c) We have no information.

SUGAR DEVELOPMENT COUNCIL

1150. Dr. Rama Rao: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the recommendations made by the Development Council for Sugar industry since its inception; and

(b) which of them have been implemented so far?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Following recommendations have so far been

made by the Development Council for Sugar Industry:—

(1) The Council should be a sustaining member of the Indian Standard Institution.

(2) Revised price differentials for different grades of sugar as suggested by the Council be adopted.

(3) Central Control over molasses be instituted.

(4) An Extension Service for improving the technical efficiency of sugar factories be established.

(5) A subsidy of Rs. 5,000 be granted to the Sugar Technologists Association to meet the cost of its publications.

(6) A subsidy of Rs. 61,000 be granted to the Saraya Distillery for conducting large scale experiments on a new process for extraction of sugar from waste molasses.

(7) A subsidy of Rs. 24,600 be granted to Andhra University for researches on Sugarcane Wax by Dr. M. N. Rao.

(b) The position in regard to implementation of the various recommendations is as follows:—

Item No. 1 has been implemented.

Item No. 2 has been accepted in principle but the revised differentials have not yet been notified in the absence of price control on sugar.

Item No. 3 is under examination.

Item Nos. 4—7 are pending for decision as to the source from which the schemes sponsored by the Development Council should be financed.

MALDA-KHEJURIA RAIL LINK

1151. Shri S. M. Ghose: Will the Minister of **Railways** be pleased to state:

(a) whether the work on the construction of the Malda-Khejuria line will be taken up this year; and

(b) if so, when the work is expected to be completed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) This Cannot be stated at present.

(b) Does not arise.

P. & T. DEPARTMENT (RECRUITMENT)

1152. Shrimati Sucheta Kripalani: Will the Minister of **Communications** be pleased to state:

(a) the procedure adopted for the recruitment of upper division clerks in Posts and Telegraphs Administrative Offices:

(b) whether it is a fact that although a majority of the posts are filled by selection after only an interview, yet all lower division clerks of the same department have to appear in an examination; and

(c) if so, the reasons for this discrimination?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Fifty per cent. of the vacancies are filled in from amongst outsiders on the basis of marks obtained by them in their degree examinations. Twenty-five per cent. of vacancies are filled in by selection of suitable subordinate office officials in Rs. 60/170 scale. The remaining 25 per cent. are filled in from amongst eligible lower division clerks of the office concerned on the basis of a merit rating test in P. & T. Guide and Precis Writing.

(b) Reply to part (a) of the question will indicate that the method of selection is not based on interview and that lower division clerks have to pass a test.

(c) The intention is to make the selection by competition. While for outsiders it is achieved by comparing marks of the degree examination, the same cannot be done for promotion of lower division clerks as the educational qualification is not insisted upon for departmental candidates.

श्री किदवई का स्मारक

११५२. सेठ गोविन्द दास : क्या स्वास्थ्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि उत्तर प्रदेश में स्वर्गीय श्री किदवई का कोई स्मारक बनाने का विचार है ?

स्वास्थ्य तथा कृषि मंत्री (श्री अजीत प्रसाद जैन): एक स्मारक निधि के लिए जनता से अपील की गई है और इस निधि के हिसाब रखने के लिए एक समिति बनाई गई है। हाल में तो श्री रफी अहमद किदवई जी की यादगार में बाराबन्की जिले के मसौली गांव में एक छोटी लेकिन शानदार कब्र, एक बुनियादी प्राथमिक स्कूल, एक लड़कियों का जूनियर स्कूल और एक बच्चों का पार्क बनाने का विचार किया गया है। यह भी विचार किया जा रहा है कि निधि की हैसीयत को ध्यान में रखते हुए योग्य विद्यार्थियों को वजीफा दिया जाये और राजनीतिक हलचल में जिन लोगों ने कष्ट सहे उन्हें मदद की जाये।

FOREIGN EXPERTS

1153-A. Shri Ibrahim:. Will the Minister of **Food and Agriculture** be pleased to state the number of foreign experts who are at present working under the Ministry of Food and Agriculture?

The Minister of Food And Agriculture (Shri A. P. Jain): 12.

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†The reply was later corrected by the Deputy Minister of Communications *vide* Part II of Debates dated 26th July 1955 as follows:

"The correct position is that the aircraft did not carry a radio officer on its outward flight from Delhi to Bandung, but on its return flight from Bandung to Delhi the aircraft did include a separate radio officer among its crew. I may also add that a general exemption has been granted to the Air India International from carrying a separate radio officer on Scheduled Services on certain specified routes when the air-to-ground communications can be satisfactorily carried out by pilot-operated radio telephones."

Vol. IV
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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Thursday, 28th April, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

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(See Part I)

12 NOON.

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The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to lay on the Table a copy each of certain statements containing replies to certain memoranda received from Members in connection with Demands for Grants (Railways) for 1955-56. [*See* Appendix XIII, annexure No. 1.]

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 26th April, 1955, agreed without any amendment to the Commanders-in-Chief (Change in Designation) Bill, 1955, which was passed by the Lok Sabha at its sitting held on the 22nd April, 1955."

BUSINESS OF THE HOUSE

Mr. Speaker: As announced in the bulletin, the House will sit up to 6 P.M.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): May I make a submission? The House may sit up to 5 o'clock today, on account of the State Banquet. We have discussed this matter informally among the Members. Instead of sitting one hour late today, the House can sit one hour late tomorrow. We can start the non-official business at 3-30 P.M. tomorrow.

Mr. Speaker: The difficulty of sitting for a longer time on non-official days is really this. Government seem to show no interest in the maintenance of quorum in the House. That means a reduction of time.

Shri Satya Narayan Sinha: We will see about quorum.

Mr. Speaker: We shall see what the progress is and then we will decide.

Shri Raghavachari (Penukonda): I wish to find out whether we are closing on the 5th and there is no idea of any more extension.

Mr. Speaker: I do not know. I think we are closing on the 5th.

Shri Satya Narayan Sinha: I shall be in a position to say definitely tomorrow. I think we will have to sit on the 7th. The 6th is a holiday. If we have to discuss the Report on the Scheduled Castes, we must sit on the 7th. Already we have lost one day in very tragic circumstances.

Shri T. B. Vittal Rao (Khammam): At this stage, I wish to bring to your notice that if we are going to sit on

[Shri T. B. Vittal Rao]

the 7th, Government should know that it will be a non-official day and we will not surrender that right.

Shri Satya Narayan Sinha: Simply because it is a Friday, even if it falls outside the session, will it be a non-official day?

Mr. Speaker: There has been no ballot for anything. Any way, it is not outside the session. The House continues to sit. That can be adjusted. Let us wait till tomorrow. Hon. Members have many other ways of adjusting if they want to rise earlier. Discussion of business which is not finished may be taken over to the next session. That is also one of the ways. That may be considered later. So far as possible, let us stick to the programme.

We have not yet decided that we will sit up to 6. We will watch the progress and then decide.

UNTOUCHABILITY (OFFENCES) BILL

Mr. Speaker: The House will now proceed with the clause by clause consideration of the Bill to prescribe punishment for the practice of untouchability or the enforcement of any disability arising therefrom as reported by the Joint Committee.

Clause 3.—(*Punishment for enforcing religious disabilities*)

Mr. Speaker: The amendments which are selected by the Members and handed over to the Secretary for being moved in the House are as follows. I shall just read the numbers. I believe this key has been circulated to the hon. Members. The only addition to be made is 95. The numbers are: 95, 56, 58, 5, 6, 59, 23, 60 (same as 23), 99 and 100. All these amendments may now be moved by the hon. Members.

Shri Dabhi (Kaira North): I want to move amendment No. 143.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): I have amendment No. 126 on clause 3.

Shri Sivamurthi Swami (Kushtagi): I want to move amendment No. 125.

Shri Elayaperumal (Cuddalore—Reserved—Sch. Castes): I want to move amendment No. 96.

Shri Raghunath Singh (Banaras Distt.—Central): I want to move amendment No. 127.

Mr. Speaker: No further amendments? I will read the list again: 95, 56, 58, 5, 6, 59, 23, 60 (same as 23), 99, 100, 143, 126, 125, 96, 127. These are the amendments which may now be moved, subject to admissibility as I said, formally. The Members in respect of the recent additions are all present.

Pandit Thakur Das Bhargava (Gurgaon): I beg to move:

In jage 2, *for* lines 24 to 26, *substitute*:

> "shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

Shri Sadhan Gupta (Calcutta South-East): I beg to move:

In page 2, lines 11 and 12, *for* "on the ground only of 'untouchability' prevents any person" *substitute*:

> "on the ground of any person being an untouchable, prevents such person".

Shri N. Rachiah (Mysore—Reserved—Sch. Castes): I beg to move:

In page 2, lines 24 and 25, *for* "six months" *substitute*:

> "three years and shall be not less than one year".

Shri Khardekar (Kolhapur *cum* Satara): I beg to move:

(i) In page 2, line 25, *after* "months" *insert* "but not less than three months"

(ii) In page 2, lines 25 and 26, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property".

Shri N. Rachiah: I beg to move:

In page 2 line 25, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

Shri K. C. Sodhia (Sagar): I beg to move:

In page 2, *omit* lines 27 to 31.

Seth Achal Singh (Agra Distt.—West): I beg to move:

In page 2, *omit* lines 27 to 31.

Shri Dabhi: I beg to move:

In page 2, line 30, *for* "or Arya Samaj" *substitute*:

"Arya Samaj or Swaminarayana Sampraday".

Shri N. P. Nathwani (Sorath): I beg to move:

In page 2, line 30, *after* "Arya Samaj" *insert* "or Swaminarayan sect."

Shri Dabhi: I beg to move:

In page 2, *for* lines 27 to 31 *substitute*:

"*Explanation.*—For the purposes of this section and section 4, persons professing the Buddhist, Sikh or Jain religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis and followers of Brahmo, Prarthana or Arya Samaj or Swaminarayan Sampraday shall be deemed to profess the same religion."

Shri Krishna Chandra (Mathura Distt.—West): I beg to move:

In page 2, *for* lines 27 to 31, *substitute*:

"*Explanation.*—Section 3 and clause (a) (x) of section 4 applies to—

(a) any person who is a Hindu by religion in any of its forms or developments, including Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj, and

(b) any person who is a Buddhist, Jain or Sikh by religion."

Shri Sivamurthi Swami: I beg to move:

In page 2, *after* line 23, add:

"(c) from entering any place of public preaching or math which is open to other persons or any section thereof as such person;"

Shri Elayaperumal: I beg to move:

In page 2, lines 24 and 25, *for* "six months" *substitute*:

"five years and shall not be less than three years".

Shri Raghunath Singh: I beg to move:

In page 2, *for* lines 27 to 31, *substitute*:

"*Explanation.*— For the purpose of this section and section 4, person professing Hindu religion means person professing any religion of Indian origin and will include Sikhs, Jains, Buddhist, Virashaivas, Lingayats, Adivasis and followers of the Brahmo, Prarthana or Arya Samaj."

Mr. Speaker: The above amendments are before the House.

श्री शिवमूर्ति स्वामी : अध्यक्ष महोदय, यह जो अनटचीबिलिटी आफेंसिस बिल इस सदन में पेश किया गया हैं इस को स्वागत करते हुए मुझे बहुत प्रसन्नता होती हैं । जनाबवाला, इस बिल में जो सब से अहम क्लाज हैं वह हैं क्लाज नम्बर (२) । इस बिल की सारी अहमियत इस क्लाज तीन में दी हुई हैं । लेकिन मैं ने इस धारा (२) में एक एमेंडमेंट दी हैं जिस के जरिये मैं इस क्लाज में कुछ लफ्ज बढ़वाना चाहता हूं । मैं मंत्री महोदय से प्रार्थना करना चाहता हूं कि आप ने इस क्लाज में यह जो वर्ड from entering any place of public worship रक्खे हैं इन से काम पूरा नहीं होता। इस में मंदिरों वगैरह की बात तो कह दी गई हैं लेकिन और बहुत से पब्लिक प्लेसिस हैं और प्रीचिंग प्लेसिस हैं जहां पर वर्शिप नहीं होता हैं लेकिन धर्म वगैरह की बातें यहां पर होती हैं वे इसमें नहीं आते हैं। इस सम्बन्ध में मैं मठों का और गुरू मठों का जिक्र करना चाहता हूं । यह पब्लिक प्लेसिस होती हैं लेकिन यहां पर इन लोगों को दाखिल होने की इजाजत नहीं होती । अगर यह मठ वगैरह पब्लिक वर्शिप के इल्फाज में आ जाते हैं तो दूसरी बात हैं लेकिन अगर ये नहीं आते और मुझे शक हैं कि ये आते हैं, तो मेरी प्रार्थना हैं कि यह वर्डस इस क्लाज में जोड़ दिये जायें ।

> "from entering any place of public preaching or math which is open to other persons or any section thereof, as such persons;"

The Minister in the Ministry of Law (Shri Pataskar): What is the number of amendment?

Shri Sivamurthi Swami: Amendment No. 125 in list No. 7.

[SARDAR HUKAM SINGH *in the Chair*]

यह बिल एक सिम्पल नॉइयत का हैं और अगर जो मैं ने एक यह एमेंडमेंट दी हैं इस को नहीं मानेंगे और इस बिल में नहीं जोड़ेंगे तो मैं समझता हूं कि आप हरिजन भाइयों के साथ एक बहुत बड़ी बेइंसाफी करेंगे ।

दक्षिणी हिन्दुस्तान में और करनाटक में हम देखते हैं कि इस छुआछूत को खत्म करने के लिए न सिर्फ १९वीं तथा २०वीं शताबदी में ही प्रयत्न हुए लेकिन इस से भी बहुत पहले प्रयत्न होते रहे हैं । महात्मा बुद्ध ने लोगों को मानवता का सन्देश दिया और इस बात पर जोर दिया कि सब इन्सान एक से हैं और छुआछूत की कोई गुंजाइश नहीं हैं । उन्होंने कहा कि हमारी दृष्टि में ऊंच नीच की बात नहीं होनी चाहिए । इस तरह के उपदेश उन्होंने लोगों को दिये । इसी तरह से वीरशैवाज जो लिंगायत के नाम से भी पुकारे जाते हैं और मुझे फख्र हैं कि मैं इसी कौम से ताल्लुक रखता हूं, लेकिन इस कौमियत के सवाल को छोड़ कर मैं कहना चाहता हूं कि इन्होंने भी इसी छुआछूत को मिटाने के खिलाफ आवाज उठाई । तो मेरा कहने का मतलब यह कि शुरू से ही इस छुआछूत को दूर करने की कोशिशें होती आ रही हैं । कोई ८०० साल पहले चालुक्य के राज्य में बघवेश्वर भी हुए और इन सब महापुरुषों ने अपने उपदेश इन मठों में और हर जगह और गांव में दिये । लेकिन अफसोस की बात हैं कि इस छुआछूत को इस जात पात को खत्म करने के लिए जो लोग उठे और जिन्होंने इस के खिलाफ आवाज उठाई और जिन जगहों पर इन्होंने उपदेश दिये वहां पर आज इन हरिजन भाइयों को दाखिल होने नहीं दिया जा रहा हैं । इन मठों के दरवाजे आज भी इन लोगों के वास्ते बन्द हैं । लिहाजा इन मठों के दरवाजे इन भाइयों के लिए भी खोल दिये जायें यह बहुत आवश्यक हैं । अगर ऐसा नहीं किया जाता तो यह बिल अधूरा ही होगा और जिस परपज को मदनजर रखकर यह लाया गया हैं वह पूरी तरह से हल नहीं होगा । मैं आप को अपना एक अनुभव बताना चाहता हूं । कई सालों से हम मठों में प्रवेश हासिल करने के लिए जदोजहद करते आ रहे हैं और जैसे बाकी जगहों में प्रवेश करने नहीं दिया जा रहा हैं उसी तरह से इन मठों में भी प्रवेश करने की इजाजत नहीं दी जा रही थी । बहुत ज्यादा मुश्किलात के बाद चार पांच मठों में हम प्रवेश करने में सफल हो

सकें हैं। बाकी मठों के दरवाजे अभी भी हरिजनों के लिए बन्द हैं। अब जब हम इन लोगों को मन्दिरों और दूसरे स्थानों में प्रवेश करने की आज्ञा दे रहे हैं जहां पर की दूसरी जातियों के लोग जा सकते हैं तो हमें यह भी देखना चाहिए कि ऐसी जगहों पर जहां प्रीचिंगस होती हैं वहां पर इन लोगों के दाखिले पर कोई पाबन्दी नहीं होनी चाहिए। अगर हम ऐसे स्थानों पर जहां कि कीर्तन वगैरह होता हैं इन लोगों के जाने पर रोक लगाएंगे तो इस से बहुत मुश्किलात पैदा होंगी और हम कई स्थानों को जहां पर इन लोगों को दाखिल नहीं होने दिया जाता छोड़ देंगे। लिहाजा मेरी प्रार्थना हैं कि मठों इत्यादि में भी जहां और लोगों को जाने की इजाजत होती हैं वहां पर हरिजन भाइयों के दाखिले पर भी कोई रोक नहीं होनी चाहिए।

तो इस छुआछूत को दूर करने के लिए जो धर्म उठा था उस धर्म में भी आजकल, मुझे यह कहते हुये शर्म आती हैं, बहुत से ऐसे बड़े बड़े लोग हैं जो छुआछूत बरत रहे हैं.....

Mr. Chairman: The hon. Member should not take so long on amendments.

Shri Sivamurthi Swami: I will finish in a minute.

आखिर में मैं सिर्फ एक धारा और जोड़ने के लिए आग्रह करता हूं और वह यह हैं कि अछूतों को मठों में प्रवेश करने की स्वतंत्रता होनी चाहिए। हमारे यहां १२वीं शताब्दी में चालुक्यों के समय में एक हरिजन भाई ने एक ब्राह्मण की बहिन से विवाह कर लिया था। उस समय श्री विश्वेश्वर जी ने कहा था :

"वेदक्के वर्य कहुवे. शास्त्रक्के विगलव-निक्कुव तर्कद बेन्न बारनेत्तुवे. आगमद मग कोय्युवे नोडय्या. महादानी. कूडल संगमदेवा. भादर चन्नय्यन मनेयोलु उंडुदक्के अड्ड बंदोडे"

इसके मानी यह हैं कि अगर वेद या शास्त्र में भी आप देखें तो आपको किसी अछूत जाति का जिक्र नहीं मिलेगा। और अगर कोई आगम या तर्क के आधार पर यह कहे या शास्त्र के आधार पर यह कहे कि यह छूने लायक नहीं हैं तो ऐसे वेद को बन्द करके रखो।

Shri R. K. Chaudhuri (Gauhati): On a point of information. I want to know from the hon. Member.....

Mr. Chairman: He cannot have that information directly. He should address the Chair, and get the information through the Chair.

Shri R. K. Chaudhuri: This is on a point of information.

Mr. Chairman: It may be information or anything, but should address me.

Shri R. K. Chaudhuri: I am addressing you now. On a point of information. I want to know whether the hon. Member is aware.....

Shri S. S. More (Sholapur): On a point of order. He is perfectly justified in asking for information. But he is a senior Member of this House and he must ask that information through the Chair and not directly from the Member who is on his legs. It looks like a private transaction.

Mr. Chairman: That is what I pointed out. What is the point of order that has been raised?

Shri S. S. More: I am again emphasising it because there is again a breach in spite of your direction.

Mr. Chairman: If the Chair's remarks needed any repetition or explanation further, I am surprised.

Shri R. K. Chaudhuri: I want to ask whether the hon. Member is aware of this fact that Vedavyasji who is the author of Mahabharata was the son of a Scheduled Caste woman who was married into the family of King Shantanu who was of first caste.

Shri Sivamurthi Swami: I know that.

Mr. Chairman: The hon. Member may continue.

श्री शिवमूर्ति स्वामी : मेरे कहने का मतलब यह था कि यह धारा जो छुआछूत के लिए दी हुई इस को बढ़ाकर मठों के लिए भी कर दिया जाय ताकि मठ प्रवेश पर रोक न रहे। मेरा अमेंडमेंट यह है :

> "from entering any place of public preaching or math which is open to other persons or any section thereof, as such person;"

इस में आप मठ को इस तरह से डिफाइन कर सकते हैं :

> "'place of public preaching or math' means a place of public religious or moral preaching for the performance of any religious service including public place of virashaiva math".

अगर इस संशोधन को मंत्री महोदय खुले दिल से स्वीकार कर लेंगे तो बहुत से जो मठ हैं उनमें भी अछूतों को प्रवेश मिल जायगा और इस तरह से हम अपने मुल्क से छुआछूत को दूर कर सकेंगे।

श्री रघुवीर सहाय (जिला एटा---उत्तर पूर्व व जिला बदायूं---पूर्व) : सभापति महोदय, इस विधेयक पर जो अमेंडमेंट दिये गये हैं उनकी फेहरिस्त देखने से मालूम हुआ कि मेम्बर साहिबान ने इस बात के संशोधन दिये हैं कि जो सजा कि बिल में तजवीज की गयी हैं उस सजा में इजाफा किया जाय। मेरे दोस्त साधन गुप्ता ने इसके बारे में अपने कुछ संशोधन दिये हैं, राघव्या साहब ने दिये हैं इलयापेरुमाल साहब ने दिये और वीरस्वामी साहब ने दिये हैं। ऐसा मालूम पड़ता है कि मेम्बर साहिबान में इस बात की बहस हो गयी हैं कि कौन ज्यादा सजा तजवीज करे। मुझे खुशी इस बात की है कि आज जब स्पीकर महोदय ने इन संशोधनों के बारे में नोटिस मांगे तो चन्द मेम्बर साहिबान ने अपने प्रस्तावों को आगे नहीं रखा। सिर्फ राघव्या साहब ने और इलयापेरुमाल साहब ने अपने प्रस्ताव रखे। उन्होंने इस बात का संशोधन रखा है कि जहां ५०० रुपया जुर्माना है वहां पर १५०० रुपया कर दिया जाय और जहां पर ६ महीने की सजा रखी गयी है वहां पर तीन साल की सजा रख दी जाय।

Shri Velayudhan *rose—*

Mr. Chairman: I will give chance to every hon. Member, but he should have patience.

Shri Pataskar: There are so many amendments that I would request hon. Members through you to see that so much time is not taken on each of them, because we have only three hours.

Mr. Chairman: I think the same way. I have already brought it to the notice of the hon. Member who was on his legs just now. If we have to run through all these amendments and finish consideration of this Bill within time, we should not take so much time so far as amendments are concerned. We have had enough discussion so far as the general aspect is concerned. Now, we should confine ourselves to the points that Members wanted to raise and have not so far raised. That would be better.

श्री रघुवीर सहाय : एक महानुभाव ने कहा है कि जहां पर ६ महीने की सजा रक्खी गई है, वहां पर ५ साल की सजा रख दी जाय। जहां तक इन मेम्बर साहबान के देश प्रेम का ताल्लुक है, मैं उसको स्वीकार करता हूं लेकिन जहां तक राजनैतिक अकलमंदी का ताल्लुक है मुझे इसमें जरा शक है कि क्या यह संशोधन बहुत सोच समझ कर रक्खे गये हैं और जिस गरज से यह बिल पेश किया गया और कल जिस विद्वत्ता के साथ होम मिनिस्टर ने इस विधेयक को पेश करते समय व्याख्यान दिया, क्या उस स्प्रिट को हमारे इन काबिल दोस्तों ने अच्छी तरह पर महसूस किया और जाना ? और क्या उन्होंने जो पिछला इतिहास इस अस्पृश्यता निवारण का

बतलाया उसको कभी अपने ध्यान में लाये ? जब से महात्मा गांधी का साउथ अफ्रीका से यहां पर आगमन हुआ और जिस को तकरीबन् ४० साल हुए और जब से उन्होंने कांग्रेस की बागडोर अपने हाथ में ली और उन्होंने मुल्क के सामने स्वराज्य का सवाल पैदा किया और देश की आजादी का सवाल उन्होंने अपने हाथ में लिया....

Mr. Chairman: If the hon. Member permits me, I might enquire from the House whether it would be advisable to fix a time-limit because my request has not been heeded. If hon. Members continue their speeches on amendments and they are very long, then we will find ourselves in a difficulty. I would request hon. Members not to take more than five minutes for their speeches on these amendments.

श्री रघुवीर सहाय : चेअरमैन साहब, मैं इन संशोधनों का विरोध कर रहा हूं । मैं इस बात की कोशिश करूंगा कि अपने विचार कम से कम समय में रक्खूं । हां तो मैं यह कह रहा था....

सभापति महोदय : आप दक्षिण अफ्रीका में चले गये, इस वास्ते मुझे अर्ज करना पड़ा ।

श्री रघुवीर सहाय : अब मैं हिन्दुस्तान में आ गया । जब महात्मा गांधी यहां पर तशरीफ लाये तो उन्होंने रचनात्मक कार्यों पर जोर दिया और उन्होंने चार रचनात्मक कार्य रक्खे जिनमें कि अस्पृश्यता निवारण को उन्होंने सबसे बड़ी जगह दी और गांधी जी की प्रेरणा से उस वक्त से बराबर अस्पृश्यता निवारण का काम कांग्रेस कर रही है और एक कोने से लेकर दूसरे कोने तक हिन्दुस्तान में एक जागृति पैदा कर दी गई, लोगों के अन्दर यह भावना पैदा कर दी गई कि जिस तरीके पर अस्पृश्यता पहले से चली आ रही थी, वह बंद होनी चाहिए ।

उसके बाद चेअरमैन साहब, मैं आपका ध्यान उस पहली और दूसरी राउंड टेबुल कान्फ्रेंस की ओर दिलाना चाहता हूं और उस वक्त हमारे यहां के कुछ गलत लोगों ने साजिश करके इस बात की कोशिश की कि महात्मा गांधी की कोशिशों पर पानी फेर दिया जाय....

Mr. Chairman: The hon. Member shall have one minute more.

श्री रघुवीर सहाय : "वेरी वेल सर" । महात्मा गांधी ने इस बात की कोशिश की कि हम हरिजन भाइयों को पूरे पूरे अधिकार दिए जायं और आज उन्हीं की बदौलत हमारे हरिजन भाई तमाम असेम्बलीज, पार्लियामेंट और हर जगह मौजूद हैं । मैं पूछना चाहता हूं कि क्या यह सब काम कोई सजा के डर से किया गया था ? यह काम इसलिए किया गया था कि लोगों के अन्दर एक भावना पैदा हुई और लोगों ने अस्पृश्यता को दूर करना अपना फर्ज समझा ।

मैं जनाब की इजाजत से एक बात और कहना चाहता हूं.....

Shri Kasliwal (Kotah—Jhalawar): Is this general discussion?

Shri Velayudhan: This is not about the clause.

श्री रघुवीर सहाय : और वह बात यह है कि जिस वक्त यह बिल पेश किया गया था, हमने यू० पी० के चीफ मिनिस्टर साहब से दरख्वास्त की कि वह हमको बतलायें कि यू० पी० में क्या काम हुआ है, यू० पी० के तमाम रंकाड्र्स हमारे सामने मौजूद हैं....

Mr. Chairman: The hon. Member has exhausted his time. I told him already that he had one more minute and yet he has not finished. I am compelled to ask him to stop.

श्री रघुवीर सहाय : चेअरमैन साहब की जो कुछ रूलिंग है, वह मेरे सिर, आंखों पर है । मैं इन संशोधनों की मुखालफत करता हूं और मैं यह समझता हूं कि जिस स्प्रिट में यह बिल लाया गया है और सजायें इसमें रक्खी गयी हैं, वह ही काबिले मंजूरी है ।

Shri Elayaperumal: The hon. Member who spoke now mentioned my name and he was speaking in Hindi

[Shri Elayaperumal]

So I could not understand a single word of it or even whether he opposed my amendment or supported my amendment. I request the Chair to give me a translation of it. Then only I can answer it. This is my point of order.

Mr. Chairman: I assure the hon. Member that he need not worry about what the hon. Member said. If it was a point of order, I have given the answer and the hon. Member shall have to be content with it.

Shri Elayaperumal: That is why I request the Chair,.....

Mr. Chairman: I am not here to translate the speech of the hon. Member. He can enquire from him privately.

Shri Velayudhan: I have given notice of an amendment No. 124 to clause 3 for the omission of the word "only" from the line "whoever on the ground only of 'untouchability' prevents any person.....". Even though the word 'only' is used, my fear was and the fear is even now there, that the whole effect of the Bill will be brought to null and void, even from the legal sense too. Yesterday when we were discussing clause 2, we had demanded that an explanation of the definition regarding 'untouchability' should be included there, but unfortunately that was not done. Therefore, what we, who are the victims of social malpractices in the country for centuries, feel is that it is going to be a basic drawback to this Bill the moment we are not inclined to define 'untouchability'. Then, to add insult to injury, there are so many other words used here in order to evade from the law and, therefore, untouchability can be practised in any form in a subtle way. I am surprised at the subtle kind of hyprocrisy by using this kind of language in a Bill which we have to pass in this House and which is demanded by the Constitution, that is, that the Bill should be passed, not in a subtle way or hypocritical way, but in an open way, because untouchability, according to the Constitution, is abolished. Why should we adopt this kind of sabotage method by using the word 'only' here? Everybody knows what is meant by untouchability. Here there was a lot of speech on Gandhiji, on this thing and that and there was sermonising and there was also sentimentalism. What we are concerned with here is not sentimentalism, nor about praising Gandhiji or this person or that person, but whether the words that we have now used will be effective so far as the legal aspect is concerned. We can now abolish or do away with untouchability. That is why I say that the word 'only' should not be there. It is not only my humble view; it is the view of some learned lawyers whom I have consulted. Even the Harijan Sevak Sangh I have consulted about this particular word.

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes): Call them Scheduled Caste people.

Shri Velayudhan: I know the hon. Member has got some menia about that particular word.

Shri V. Veeraswamy: Yes. I have got great contempt for this word.

Mr. Chairman: The dispute cannot be settled in this way.

Shri Veeraswamy: We are Scheduled Castes.....

Mr. Chairman: Hon. Member may have a different opinion. But are they going to settle it. I will give him an opportunity to express his feelings and he should be patient so that the other hon. Member may express himself. Let us hear the hon. Member who is on his legs and then we will hear the other hon. Member.

Shri Velayudhan: Even if it is used there, what does it say in the explanation in the same clause—it says '.....persons professing the Hindu religion in any of its forms or developments including Sikhs, Jains, Bud-

dhists, Virashaivas, Lingayats, Adivasis, etc.....' 'Untouchable' could be kept different.

Take for example this. A caste Hindu is coming to a temple. He says: we never know that he is a Hindu; he belongs to a particular caste. A caste Hindu can exclude a person and very well say that. In this case, the whole Bill becomes a show. That is my contention. I am only requesting the Congress Members on the other side to appreciate this point when we are passing it.

Some Hon. Members *rose,*

Mr. Chairman: I shall allow the hon. Member to express himself; he cannot contain himself.

Shri R. K. Chaudhuri *rose—*

Pandit Thakur Das Bhargava: He also cannot contain himself.

Mr. Chairman: If there are so many hon. Members who cannot contain themselves, what shall I do?

Shri R. K. Chaudhuri: I oppose this clause; that is what I wanted to say.

Shri Veeraswamy: I will be very short because the time is very precious. We have to see that this Bill is passed before 3 o'clock. I have given an amendment inserting a new clause 2A on the abolition of untouchability. I do not press this because yesterday our Home Minister explained article 17 of the Constitution and the purpose of this measure. With regard to the word 'untouchable' being found in several places in this Bill, we have to doubt whether we have or our Constitution has abolished untouchability root and branch and whether we are going to abolish untouchability or whether we are going to retain untouchability but only remove the disabilities arising out of untouchability. So, if it is true that the Constitution of India has abolished untouchability, there should be no word anywhere in the Bill referring to untouchability. Nobody should be called as an untouchable. It may be that only on the ground that a particular person belongs to Scheduled Caste or any other community which has so far been treated as an untouchable community, he should not be prevented from entering into any temple or using any well or taking water from a tank and so on and so forth. My contention, therefore, is that there should be no such word as 'Untouchability' anywhere in the Bill. By saying '.....on the ground only of untouchability' I say that we retain untouchability in this country. So, I have suggested this 'i.e. prevents any person belonging to any Scheduled Caste or any other community treated hitherto as untouchable.....' This matter is very simple and I would request the hon. Deputy Home Minister to see that the Scheduled Castes are not in any way called as untouchables hereafter and there is no 'untouchability' attached to them.

Shri R. K. Chaudhuri: I have heard the speeches that had been delivered up till now. After hearing the speeches of those hon. gentlemen and after going through the list of amendments, I find that the remedy does not lie in accepting any of these amendments but the remedy is to oppose this clause altogether. That is not a matter for laughter.

Mr. Chairman: If the hon. Member is feeling worried by the laughter of the neighbour, he may move to another seat.

Shri R. K. Chaudhuri: I am perfectly serious on this matter. I hope the hon. Members of this House will kindly listen to what I have been saying and what I would be saying. The omission of the word 'only' will lead to confusion. *(Interruptions.)*

Mr. Chairman: The hon. Member was impatient before speaking; now he should be patient when he has got a chance.

Shri R. K. Chaudhuri: I have been associated with this movement of removal of untouchability long before perhaps my hon. friend was born..... *(Interruptions.)*

Mr. Chairman: I request those hon. Members who had got an opportunity and had spoken to be patient and listen to this hon. Member.

Shri R. K. Chaudhuri: My point is this. Those who oppose this, a devout Hindu or a person professing Hindu religion, if they prevent another Hindu from worshipping in the manner the other co-religionists do, they not only commit an offence punishable under law but morally also it is an offence and he is guilty of a heinous crime. That is my view. I am only asking whether these penal provisions would help the movement of removal of untouchability from this country or whether it will retard it.

Take for instance the case of a devout Hindu who is in charge of a temple and who honestly and sincerely believes that all persons could not be allowed to go to certain area which is called in our parts of the country *Manikhut*. Even Brahmins are not allowed there; only persons who are in charge of it are allowed to enter that area. If you are to insert a penal provision of this kind and that devout Hindu is prosecuted, a revulsive feeling will be created. That is what I am thinking. In my experience wherever I have gone for this movement and whenever you have approached the mahants or priests of the temple, they have all agreed to keep the doors open for all the people.

Take for instance the Khamakhya temple which is held to be one of the most sacred temples in India. That is a great and sacred place. There is no bar to the entry of Scheduled Castes.

Shri Velayudhan: Is it in Assam?

Shri R. K. Chaudhuri: It is in Assam. If you are a Hindu you ought to know. Then there is another temple which is Hayagriva Madhav temple—a very famous and ancient temple at Hajur and when we approached them with a request that it should be thrown open to Scheduled Castes, the Scheduled Tribes, etc. it was thrown open. I mean to say that persuasion is quite sufficient at this stage. It might have been difficult in the pre-Independent days. If, for instance, the hon. Minister of Law or the hon. Minister of Home Affairs calls for a meeting of all the leading people who are holding the position of priests, etc., I am sure they will all agree to throw open all parts of the temple to all Hindus. That is my view.

The other point that I want to stress and bring home to the hon. Minister is this. It is all very right to allow people, who really and sincerely profess the Hindu religion and believe in idol worship and worshipping the deity, to go inside the temple. It is criminal, I say, it is immoral, I say, to prevent those people from going to the temples. But what about the people who do not believe in this religion, who say idol worship is adultery? Such people follow paganism. Why should any person allow these people into the temple? Why should not the authorities, with all the power in their command, prevent those people from entering the temple? Those people go there merely to enforce their right and they do not believe in the faith of any religion. There should have been some law framed to prosecute those people who only go to the temples with a view to commit sacrilege, who go there with a bucket of nightsoil, and keeping it outside, they enter the temple. It is an offence to allow them to enter the temples. If you want a penal provision, you ought to provide for a penal provision for both kinds of people—those who stop the religious-minded people from entering the temple and those who just want to enforce their rights. The penal provision ought tc be there for both.

पंडित ठाकुर दास भार्गव : चेयरमैन साहिब, इस छोटे से प्राविजन पर जो बहस छिड़ गई है, वह जरूरत से ज्यादा है । लेकिन मैं चौधरी साहब की खिदमत में अर्ज करना चाहता हूं कि उनको दूसरे मजहब के मानने वालों के बारे में फिक्र नहीं करना चाहिए । थोड़ा अर्सा

हुआ जब कि मैं जगन्नाथ पुरी गया था। वहां जो मूर्तियां हैं, पहले लोग उनको बड़े नजदीक से जा कर देख सकते थे। लेकिन अब उन्होंने मूर्तियों के आगे एक कठघरा सा लगा दिया है, जिसकी वजह से कोई भी शख्स उसके आगे नहीं जा सकता है। इसमें किसी को भी शिकायत नहीं है और न होनी ही चाहिए। शिकायत तो तब होती है जब कि डिस्क्रीमिनेशन किया जाता है यानी चन्द बिरादरियों को तो अन्दर जाने की इजाजत दी जाय और चन्द को न दी जाय। इस मामले पर अच्छी तरह सोच-विचार कर के यह प्राविजन रख दिया गया है कि लोगों को उस एक्सटेंट तक जाने की इजाजत है, जहां तक किसी मजहब के किसी शख्स को जाने की इजाजत है। इस बात का पहले ही फैसला कर लिया गया है कि अगर पुजारी ही वहां जा सकता है, तो हर एक शख्स वहां जा न सके।

इस बारे में श्री वेलायुधन ने जो बहस की है, मैं उसको सपोर्ट करना चाहता हूं। सवाल यह है कि अगर कोई शख्स जुर्म करे और वह चन्द वजूहात की बिना पर किसी शख्स को न जाने दे, और उन वजूहात में अनटचेबिलिटी भी शामिल हो, तो वह शख्स जुर्म करेगा या नहीं। आपके अलफाज के मुताबिक तो उसका एक ही मोटिव होना चाहिए यानी अनटचेबिलिटी और उसमें और कोई मोटिव शामिल नहीं होना चाहिए। मेरी अर्ज यह है कि उनका एतराज ठीक है। मैं समझता हूं कि अगर दूसरे मोटिव्ज के अलावा अनटचेबिलिटी भी एक मोटिव है, जिसकी वजह से किसी शख्स को पूजा के लिए नहीं दिया जाता, तो वह भी एक जुर्म है और रोकने वाले शख्स को जरूर सजा होनी चाहिए। क्लाज ३ में लफ्ज "ओन्ली" से तो जुर्म का दायरा बहुत तंग हो जाता है। मैं यह चाहता हूं कि अगर अनटचेबिलिटी की बिना पर किसी शख्स के खिलाफ कार्यवाही की जाय, तो वह यह न कह सके कि "मेरे दिल में यह मोटिव था और अनटचेबिलिटी तो एक सबार्डीनेट फैक्टर था।" इस लिए मुनासिब यही है कि इस लफ्ज "ओन्ली" को डिलीट कर दिया जाय।

जहां तक लफ्ज "अनटचेबिलिटी" की डेफीनीशन का ताल्लुक है, मेरी गुजारिश यह है कि हम ने अनटचेबिलिटी का डिफाइन नहीं किया है और जान बूझ कर नहीं किया है। मैं तो अनटचेबिलिटी का मतलब समझता हूं "एनी थिंग शार्ट आफ इक्वेलिटी"। अगर कोई बात इक्वेलिटी से कम है, तो वह अनटचेबिलिटी है। सवाल यह है कि इस सिलसिले में किन लोगों के खिलाफ मुकदमे चलेंगे। यहां पर शिड्यूल्ड कास्टस के जो दोस्त मौजूद हैं, अगर वे समझते हैं कि मुकदमात सिर्फ उन पर चल सकेंगे, जो शिड्यूल्ड कास्टस के नहीं हैं, तो वे बड़ी गल्ती पर हैं। मैं जानता हूं कि इस में ज्यादा तक्लीफ शिड्यूल्ड कास्ट्स के लोगों को ही होगी, क्योंकि उन में भी उतनी ही जात-पात है, जितनी कि उनसे बाहर है। यह ठीक है कि यह जात-पात ओरिजिनली उनकी नहीं है, लेकिन जिस तरह वह हिन्दुस्तान ब्राह्मणों में और क्षत्रियों में आई, उसी तरह उनमें भी आ गई। मैं यहां पर अपनी जिन्दगी का एक वाकया रखना चाहता हूं। एक बार महात्मा जी ने एक दिन मुकर्रर किया और हम लोगों को कहा कि शहर के मुख्तलिफ कुंओं पर जाओ और वहां सब कौमों के लोग अछूतों के हाथ से निकाला हुआ पानी पीएं। जिला हिसार के कुछ कांग्रेसमैन भी कुंओं पर गए। उनमें से एक कुंआ हेड़ियों का था। वहां हम सब ने तो पानी पी लिया, लेकिन अछूतों में से दूसरी ऊंची बिरादरी के लोगों ने पीने से इन्कार कर दिया। इसी तरह चूड़े चमारों के कुंओं पर हम ने तो पानी पी लिया, लेकिन उन अछूतों में से ऊंची जात वालों ने सब ने नहीं पिया। आप देखिए कि शिड्यूल्ड कास्ट्स के लोगों में भी बड़ी जात-पात है। वे भी एक दूसरे से उतना ही परहेज करते हैं, जितना कि दूसरे लोग करते हैं। इसी तरह धानकों और चमारों के भी टेम्पल हैं और वहां दूसरों को जाने की इजाजत नहीं है। सजा मुकर्रर करना तो बड़ा आसान

[पंडित ठाकुर दास भार्गव]

हैं, लेकिन जब इस बिल के प्राविजन्ज पर अमल किया जायगा, तो बड़ी तकलीफ होगी । यह एक सोशल ला हैं और अपनी किस्म का पहला ला हैं । इस लिए मैं चाहता हूं कि इसमें इतनी सख्त सजा न रखी जाय कि लोगों को रीवल्शन हो जाय । मैं ने अमेंडमेंट्स में पढ़ा हैं कि कुछ लोगों ने तजवीज की हैं कि तीन, चार या पांच साल की सजा दी जाय और जुर्माने के तौर पर जायदाद का एक हिस्सा जब्त कर लिया जाय या पांच हजार रुपए जुर्माना कर दिया जाय । मैं समझता हूं कि इस तरह तो वह सजा छोटे कत्ल के मुकदमे से भी बढ़ जायगी । मैरिज बिल की रू से अगर कोई शख्स प्राहिबिटिव डिग्री में शादी करता हैं, तो उसको पंद्रह दिन की सजा तजवीज की गई हैं, अगर सपिंड में शादी कर ले, तो एक महीने की सजा तजवीज होती हैं और अगर छोटी उम्र की शादी कराए, तो शायद पंद्रह दिन की सजा तजवीज होती हैं । सजा का मेयार ऐसा होना चाहिए कि वह काबिले-अमल हो, ताकि मजिस्ट्रेट इस वजह से मुलजिमान को छोड़ न दें कि उनको सख्त सजा देनी पड़ेगी । हम ने इस बिल में एक दफा रखी हैं कि अगर एक शख्स दोबारा जुर्म करेगा, तो उसको कैद की सजा देनी लाजिमी होगी । यह निहायत जरूरी हैं और मैं इसको सपोर्ट करता हूं कि अगर कोई शख्स एक दफा सजा से न माने, तो दूसरी दफा उसको जरूर कैद की सजा देनी चाहिए । इस बिल में पांच सौ रुपये जुर्माना और छः महीने की कैद की सजा रखी गई हैं । मैं इस बात से गैर-इत्तिफाकी नहीं करता हूं, लेकिन मेरा ख्याल हैं कि बेहतर यह होता कि तीन महीने की कैद और पांच सौ रुपए जुर्माने की सजा रख दी जाती । मैं चाहता हूं कि पहले आप जुर्माने को रखें और फिर कैद को दूसरे जुर्म में रखें । यह जो सब्सक्वेन्ट सजा होगी, उसका असर दूर तक होगा । चन्द महीने के बाद इसका असर बिजली की तरह होगा ।

मैं निहायत अदब से अर्ज करना चाहता हूं कि सोशल लाज में जो सजा रखी जाती हैं, वह इतनी सख्त नहीं होती । मैं सब मेम्बरान से इल्तजा करूंगा कि वे इस बारे में अच्छी तरह सोच विचार कर फैसला करें । मेरी अमेंडमेंट तो यह हैं कि पांच सौ रुपए जुर्माना और तीन महीने की कैद की सजा रखी जाय और छः महीने से ज्यादा कैद की तो किसी सूरत में जरूरत नहीं हैं ।

Shri Dabhi: I would strictly confine myself to the amendments that have been moved by me. I have moved two amendments. The first amendment—amendment No. 99—is with regard to the explanation under clause 3 of the Bill. This amendment merely seeks to insert the words "or Swaminarayana Sampraday" in the place of the words "or Arya Samaj". The effect of this amendment would be that Swaminarayana Sampraday also will be considered as one form of development of the Hindu religion and hence the followers of this Sampraday also would be deemed to profess the Hindu religion for the purposes of clauses 3 and 4. The necessity for this amendment has arisen thus. In Gujerat and Saurashtra there prevails one *Swaminarayana sampradaya*, whose founder was Swami Sahajananda. The number of followers of that *sampradaya* in Gujerat and Saurashtra comes to some lakhs. There are very famous temples belonging to the *Swaminarayan sampradaya* in both Saurashtra and Gujerat.

There is not the slightest doubt that the *sampradaya* is a form of Hindu religion. Not only that, the people who follow this *sampradaya* believe in the Vedas, in the *dasavatars*, and also in the *Bhagavatha;* and in various other matters they practically follow the tenets of the Hindu religion. Of course, it is a reformist *sampradaya.*

A few years back, my hon. friend Shri M. B. Vaishya and some of his companions wanted to enter one famour Swaminarayan temple at Ahmedabad, but they were not allowed to enter the temple. The case went to

the court. The contention was that even though these people who believed in the *Swaminarayan sampradaya* believed in the *Vedas*, the *dasavatars* and also in the *Bhagavatha*, still—the argument was trotted out—they did not belong to the Hindu religion, but were a separate sect altogether.

So, it is absolutely necessary that this amendment should be made to the Explanation.

I now come to my second amendment, which is amendment No. 143. It seeks to substitute the following Explanation in place of the present Explanation to clause 3:

> "For the purposes of this section and section 4, persons professing the Buddhist, Sikh or Jain religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis and followers of Brahmo, Prarthana or Arya Samaj or Swaminarayan Sampradaya shall be deemed to profess the same religion".

The difference between this Explanation and the present Explanation is this. In the present Explanation, Buddhism, Sikhism, and Jainism are considered to be forms or developments of Hindu religion. But in the new Explanation proposed by me, it is not expressly stated that Buddhism, Sikhism and Jainism are forms or developments of Hindu religion, but still the effect of the new Explanation would be that for the purposes of sections 3 and 4, whether the persons belong theoretically to the Hindu religion or not, and whether these religions are forms of the Hindu religion or not, yet in practice they would be considered for the purpose of both these sections as persons belonging to the Hindu religion. I do not know anything about the Sikh religion, but at least I believe that Jainism and Buddhism are practically branches of the Hindu religion. But I do not want to enter into any controversy on that point. However, with a view to satisfying my Jain and Sikh friends I have provided in this amendment of mine that whether or not theoretically their *sampradayas* are forms or developments of the Hindu religion, yet they would be deemed to be followers of the Hindu religion for the purposes of these two sections.

In conclusion, I would refer you to article 25 of the Constitution. There also you will see that the Buddhists, Sikhs and Jains are for the purposes of the Constitution, to be considered as persons belonging to the Hindu religion. So, it is now too late in the day to say that they are not forms or developments of the Hindu religion. But I would not enter into any controversy on that point now.

My submission is that my first amendment may be accepted by Government, and if they cannot see their way to accept it, then I hope that at least my second amendment, namely amendment No. 143, will be accepted by Government.

Shri Elayaperumal: My amendment (No. 96) reads:

> In page 2, lines 24 and 25, *for* "six months" *substitute* "five years and shall not be less than three years".

My submission is that there is no use imposing fines on the offender or culprit, because it is very easy for the caste Hindu people to collect the necessary money from the orthodox people who want to violate this law, and then pay that fine. And after remitting the amount, they can collect the amount back from the Scheduled Caste people, because the Scheduled Caste people are after all illiterate, and they have to depend for their livelihood on the so-called caste Hindus who are their masters. So, it is very easy for them to collect the amount from the Harijans. If they refuse to give the amount, they may be boycotted by not being allowed to go in the streets, by not being allowed to give or sell goods and so on.

[Shri Elayaperumal]

In 1954, in Vadalur village in Cuddalore taluk of South Arcot district in the State of Madras, some Harijans had printed invitation cards wherein they had used the word *'Nattumai'*, which means village headman. For that reason, they, so-called caste Hindu people, called those people and told them, "You depressed fellows! you cannot put that name *'Nattumai'* in your invitation cards, you will have to pay a fine of Rs. 50, otherwise you will not be allowed to come to our village, and you will not be allowed to go through our streets and work in our fields". Before those people went to the police station and made a complaint against the caste Hindu people by the help of the Christian Father, the police sub-inspector had finished his investigations. And when he did not try to help the so-called caste Hindu people, the Padayachis and the other Hindu people told that sub-inspector that if he was giving any room to the Scheduled Castes, they would not take those fellows for work in their fields.

This being the position, I would request Government to see that no fine is imposed on the offender or culprit but that a punishment of at least three years' imprisonment is awarded to the offender or culprit. That is the purport of my amendment.

Shri N. P. Nathwani: I rise to speak on amendment No. 100 which stands in the joint names of myself and my hon. friends Shri M. B. Vaishya and Shri Kajrolkar. This amendment is to the same effect as my hon. friend Shri Dabhi's amendment. He has already explained the circumstances under which the necessity has arisen for including the followers of the *Swaminarayan sampradaya* in the list of sects mentioned in the Explanation.

Ordinarily, no one would seriously suggest that the Swaminarayan sect is not a part of Hindu religion. It is in fact a form of Vaishnavism, and its followers worship only the God Shri Krishna and Radha. In fact its great founder Swami Sahajananda, a great saint and a reformer, was installed in the *gadi* and became the head of an institution whose religious creed was the *Odhav sampradaya*. He himself has written a book embodying his teachings,—it is known as the *Sikshapatri*—in which he has enjoined on the followers of this *sampradaya* to worship Lord Krishna and Radha.

Further, an intricate situation has arisen because of a recent decision by the civil court of Ahmedabad. In 1947 in the State of Bombay, the Bombay Harijan Temple Entry Act was passed. Under that Act, all temples used by the Hindu community or a section thereof have been thrown open to the Harijans. After that Act came into force, a batch of Harijans led by our hon. friend Shri M. B. Vaishya tried to enter the Swaminarayan temple at Ahmedabad. The temple authorities resisted their claim. Ultimately the matter went to the high court and was remanded to the trial court at Ahmedabad, for recording evidence. The court held that the followers of the Swaminarayan sect were not Hindus. The argument of the temple authorities was that the followers of this sect did not consist merely of Hindus but of members of other communities as well. Their arguments involve the point that they were not following Hindu religion. It was a sort of philosophical society just like the theosophical society. Now the matter has been taken to appeal and it is pending there. But, here we are seeking to abrogate that Act and the matter might not be decided ultimately by the High Court. Therefore, it is recision. As I say, the Swaminarayan sect is an old part of Hinduism. anomaly or doubt arising out of that decision. As I say, the Swaminarayan sect is an old part of Hinduism. But, in any event, even if it is a development it is nearer to Hindu religion than Brahmo Samaj which we have already included in the explanation.

1 P.M.

With these words I commend the amendment moved by us for acceptance by the House and the hon. Minister.

Shri K. C. Sodhia: Sir, I have read this Bill very carefully and I find that we are just trying to make people religious. This is a thing which we know, no State can do. I want to tell you that society and religion are two different things and those who say that religion and society are just one and the same thing and try to mix them together will not find it easy to do.

Our aim in passing this Bill is to bring our suppressed people along by our side. Both the low class people and the high caste people have got to come together without any straining of relations. No Government will ever care to pass a Bill which is likely to strain the feeling of its people. Our aim is that they should come together and the age-long blot on the Hindu society must be removed. But, then we have to be very careful that in this matter we do not put any such things which are likely to strain the feelings of these two great portions of our society and be a source of fruitful litigation beginning from the lowest court and going up to the highest court. The explanation here attached to clause 3 says:

> "For the purposes of this section and section 4, persons professing the Hindu religion in any of its forms or developments including Sikhs, Jains, Buddhists, Virashaivas, Lingayats, Adivasis and followers of the Brahmo, Prarthana or Arya Samaj, shall be deemed to profess the same religion."

While I have no quarrel with my friend coming over to any Hindu temple and opening all Hindu temples to them, but then the preliminary condition must be that temples ought to be used as temples. If temples are used as a place where people may go and just stand up proudly and मरोड़े मूछ well that would be a very bad thing and that will produce some hatred in the minds of the devout Hindus.

Mr. Chairman: Only the speech of the hon. Member would go down in records and not his actions.

Shri K. C. Sodhia That is why I have said मरोड़े मूंछ What I was bringing to the notice of the House is this. Every sect and every religion has got its particular way of worshipping and a particular way of holding communion with the Almighty. Now, if my friends want to go into the temple then they ought to cultivate that same humility and that same worshipfulness in their minds as that in the heart of a devout Hindu. If they do not do that and go into the temple simply because they have got a certain right then things will go worse. Therefore, in whatever temple they want to go they will have to study the tenets of that religion and the form in which worship is to be followed. If they do not do that and simply because they have got a right they want to go into the temples it will not be conducive to their good and will not be conducive to the good of the people who go to the temple.

Mr. Chairman: The hon. Member should now be deemed to have concluded.

श्रीमती उमा नेहरू (जिला सीतापुर व जिला खेरी---पश्चिम): जनाब चेयरमैन साहब, अनटचेबिलिटी का अन्त हमारे संविधान ने जरूर किया लेकिन ऐसा करने से दंश से अनटचेबिलिटी गयी नहीं हैं । यह जरूर हैं कि जो संविधान में अनटचेबिलिटी का अन्त किया गया हैं उससे अनटचेबिलिटी की जड़ें कुछ हिल गयी हैं ।

मैं ने इस बिल को पढ़ा तो मैं सोच में पड़ गयी । मुझे इस बिल को पढ़ कर गांधी जी का जमाना याद आता हैं । उस जमाने में जब हमने इस सवाल को उठाया था तो हमने देखा कि यह सवाल कानून से मिटने वाला नहीं हैं । यह मुमकिन हैं कि कानून इसकी जड़ों को कुछ और ढीला करने में मदद करें । असल बात तो यह हैं कि हमें समाज से हमको इस अनटचेबिलिटी की जड़ को ही मिटाना हैं । जब हम

[श्रीमती उमा नेहरू]

इसको मिटाना चाहते हैं तो हर व्यक्ति को अपने अन्दर देखना पड़ता है । समाज में एक जाति ने दूसरी जाति के साथ जो अन्याय किया है इस अन्याय का उस जाति को प्रायश्चित करना होगा ताकि वह इस अनटचेबिलिटी को मिटा सके । यह प्रश्न मेरे दिल में बार बार उठ रहा है ।

महात्मा जी के जमाने में जिस वक्त हमने इस सवाल को उठाया तो महात्मा जी ने दो बातें हमको बतलायीं । उन्होंने कहा था कि सत्य और अहिंसा को मत भूलो और इन दो चीजों को लेकर ही इस प्रश्न को हल करो । उन्होंने कहा था कि यही चीजें हमारी मदद करेंगी । मैं प्रयाग में खुद अपने अछूत भाई और बहिनों को लेकर मन्दिरों में गयी और मैं ने और उन्होंने अपने अपने हाथ में तुलसी दल लिया और हमने सब ने मिल कर भगवान से प्रार्थना की और भगवान को तुलसी दल चढ़ाया । लेकिन जब मैं भरद्वाज में गयी तो जो नजारा मेरे सामने आया उसको मैं बयान नहीं कर सकती। वहां पर जो मेरे अछूत भाई बहिनों ने भगवान पर तुलसी दल चढ़ाया, तो उन्होंने भगवान से कई प्रश्न पूछे । उन्होंने भगवान से पूछा कि "आप हमको दर्शन क्यों नहीं देते । क्या इसका यह कारण है कि हम अछूत हैं । हमको समाज ने अछूत बनाया है, पर हम अछूत पैदा तो नहीं हुए । भगवान का कोई भी जीव संसार में अछूत होकर नहीं आया है । समाज ने हमको अछूत बना दिया है । आज समाज ने जो गलती की है उसकी सजा आप हमको क्यों देते हैं कि आप हमको दर्शन भी नहीं देते" उन्होंने भगवान से ऐसी प्रार्थना की कि हमारा वहां खड़ा होना मुश्किल हो गया । उस वक्त हमको मालूम यह होता था कि हम बड़े कुसूरवार और गुनहगार हैं । आज हम प्रायश्चित करने चले हैं । मुझे इसकी बड़ी खुशी है । लेकिन मैं यह हाउस में कह देना चाहती हूं कि हमको समाज को बदलना है । हम कानून जरूर बना लें लेकिन सिर्फ कानून इस चीज को बदलने वाला नहीं है । अकेले कानून से यह बीमारी नहीं मिटेगी । यह नासूर तो जब मिटेगा जब अन्दर से हम लोगों का हृदय परिवर्तन होगा और हम लोगों को हृदय परिवर्तन करने की जरूरत है । हमारा मेंटल आउटलुक दूसरा होना चाहिए । हरिजनों की समस्या और अस्पृश्यता खाली बातें करने से या जलसे और पबलिक में बैठ कर बात करने से मिटने वाली नहीं है । सबसे बड़ा सवाल जो हमारे सामने है वह भंगियों की समस्या है, अर्थात् जो भंगी का काम करते हैं उन अनटचेबल्स को अपने पास में बराबर बैठाना है और दिल से अपनाना है । मैंने आज भी बड़े बड़े लोगों को हरिजन और अछूतोद्धार के पक्ष में पबलिक में बड़े बड़े व्याख्यान देते सुना है लेकिन अगर कहीं इनके घर में कोई हरिजन भंगी आ जाये, उनका कालीन छू जाये तो बाद में उस कालीन को धुलवाते हैं और गंगा जल उस पर बार बार छिड़कवाते हैं ।

अब चूंकि समय नहीं है, इसलिए और अधिक न कहते हुए मुझे इतना ही कहना है कि यह अस्पृश्यता का रोग समाज से और देश से तभी मिटेगा जब समाज के हृदय में परिवर्तन होगा और जब समाज के लोग एक मिशनरी की तरह से जगह जगह घूम कर इसके लिए प्रचार करेंगे और लोगों को समझायेंगे और अपने अमल से यह दिखायें कि हरिजनों और हम में कोई भेद नहीं है और यही भगवान का मनुष्य मात्र को आदेश भी है कि सब मनुष्य समान हैं ।

Mr. Chairman: Shri Shibban Lal Saksena. But, I must remind the hon. Member that intimation of his amendment No. 124 was received after the hon. Speaker had declared that no further amendments shall be selected. Therefore, 124 is not before the House. He will have to speak on the amendments that are being considered.

Dr. Rama Rao (Kakinada): At this rate, we won't go far. So, I request the Chair to put all the clauses for discussion and all the amendments to

discussion and all the amendments to be taken up, so that clause 15, the clause about the compoundable nature of the thing, to which there is a very important amendment proposed, may be discussed. Otherwise, certain amendments will be blocked out.

Mr. Chairman: I appreciate what has been said but my fears are that there might be confusion, and the amendments on which we really want to concentrate may not be considered and there is that danger in that proposal also. But, I will again request the hon. Members to be as brief as possible so that we may go through the Bill within the time limit.

Shri Sadhan Gupta: May I make this suggestion? After clause 3 is finished, let us take the other penal clauses together.

Mr. Chairman: That we can do after finishing this.

Shri S. L. Saksena (Gorakhpur Distt.—North): Mr. Chairman, Sir, I thank you very much for giving me this opportunity. In fact, this is the first time that I am speaking on this historic Bill. It was a great day when our Constitution declared untouchability to be a crime. We are now following that great declaration. The greatest achievement of the last century was the abolition of slavery and the credit for that went to Abraham Lincoln. In this century, the greatest achievement will be the abolition of untouchability and the credit will go to Mahatma Gandhi. Many great men in our country from Buddha down to Dayanand and Ramkrishna Paramhans have given blows to this hydra-headed monster but it has been raising its head again and again. But it seems the credit for killing this hydra-headed monster, was reserved for Gandhiji. He realised that to kill it for ever, we must give blows to it on every front, and one of the fronts is the legal front. From the point of view of that front, only now the attack has been begun. It should not be forgotten that this Bill alone is not sufficient to kill the monster. But this Bill is very important and, therefore, I had given notice of my amendments to it. Clause 3 particularly is the penal clause and it punishes people for observing untouchability. Can I discuss my other amendments also, Sir?

Mr. Chairman: Clause 3 only.

Shri S. L. Saksena: I can only say that this clause is a very important clause; this clause removes the religious disability by punishing persons stopping Harijans from entering temples. Unless you remove this disability, it is not possible for us to kill this monster for ever. Untouchability is also practised in wells. Harijans are not able to take water from wells. Only about a month ago, I went to a village in my constituency. There the Doms, a class of Sweepers, could not get water from the wells. I tried to get for them the right to draw water from the well. But the whole village was practically unanimous against suggestion. They said the Doms can take water from another well which can be dug for them. Ultimately I had to get a tap for them.

I have received about 60 petitions from all over my constituency and they say either give us taps or wells as we cannot draw water from public wells and we have no well of our own. They cannot find water anywhere. These are the conditions today. This is so even after we have declared the observance of untouchability to be a crime. Some of our friends have said that they have to get water from muddy dug-outs and only mud is what they get and, sometimes, when they are able to get water out of the good wells, their utensils are broken (*Interruption*).

Mr. Chairman: It is only clause 3 that is before the House.

Shri S. L. Saksena: I will support Pandit Thakur Das Bhargava, and say that the word 'only' should be removed and if that is removed, I think, this will be all right.

श्री पी० एन० राजभोज (शोलापुर---रीक्षित---अनुसूचित जातियां) : "ओन्ली" शब्द के बारे में अपने अमेंडमेंट में मुझे कहना हैं कि पंडित ठाकुर दास ने जो कहा वह ठीक हैं । इस शब्द से अस्पृश्यता कायम रखने के लिए लोगों को अवसर मिलेगा, ऐसा मेरा ख्याल हैं । अगर मंदिर या दूसरी सार्वजनिक जगहों पर हरिजनों को प्रवेश न देने के अपराध में किसी के ऊपर मुकदमा चलेगा तो वह अपने को यह कह कर बचा सकेगा कि मैंने अस्पृश्यता नहीं बरती, मैंने तो दूसरे कारण से उनको नहीं आने दिया । इस शब्द से आप अस्पृश्यता कायम रखने के लिये लोगों को अवसर देंगे । सवर्ण वर्ग के लोग बड़े चालाक और होशियार हैं और उनके वकील उनको बचाने के लिए भिन्न भिन्न बहाने निकाल सकेंगे ।

कई कई होटलों में ऐसा भी लिखा जाता हैं कि "राइट आफ एंडमिशन रिजर्वड्" इसके मानी यह हैं कि कोई अस्पृश्य हो, उसका प्रवेश बंद करने का हक होटल वालों को होता हैं । यह हक कानून के अनुसार हो सकता हैं तो बिल में "ऑन दी ग्राउंड ओन्ली आफ अनटचेबिलिटी", ऐसे शब्द रखने की जरूरत क्या हैं ? उन शब्दों का सवर्ण वर्ग जरूर फायदा उठायेगा और अस्पृश्यता कानून के अनुसार ही कायम रहेगी ।

अभी जैसा हमारी एक बहिन ने कहा और मैं भी उनसे सहमत हूं कि अस्पृश्यता का अभिशाप मिटाने के लिए हृदय परिवर्तन की आवश्यकता हैं । अस्पृश्यता कानून से या डंडे के जोर से नष्ट नहीं हो सकती । वह मन परिवर्तन से ही नष्ट हो सकती हैं । मेरे मन में भी अभी परिवर्तन हो गया हैं । पहले तो मेरा ख्याल ऐसा था कि अस्पृश्यता नष्ट करने के लिए ज्यादा से ज्यादा दंड होना चाहिए लेकिन मुझे अब ऐसा महसूस होता हैं कि अकेले शासन और कानून और दंड से ही यह प्रश्न नहीं मिटेगा । थोड़ा बहुत शासन तो जरूर होना चाहिये, क्योंकि कानून का डर रहने से लोग इस तरह का अपराध करने से हिचकेंगे । लेकिन साथ ही में हमें यह भी ध्यान रखना चाहिए कि बहुत ज्यादा शासन देने से लोगों का मन बिगड़ जायेगा, उनका मन परिवर्तन नहीं होगा । इसी लिये मैं समझता हूं कि सरकार ने जो विधान में प्राविजन दंड का रक्खा हैं वही ठीक हैं और उसको और बढ़ाने की जरूरत नहीं हैं । बम्बई में मैं आपको बतलाना चाहता हूं कि बंबई प्रांत में महार सत्याग्रह में मैं ने मराठों के खिलाफ पानी का सत्याग्रह किया तो मराठों ने समझा कि हमें गाली दी जाती हैं और हमें मारा । यह ठीक हैं कि सवर्ण वर्ग वालों ने हमें सदियों से दबाया हैं लेकिन हम अस्पृश्य उनका बदला लेना नहीं चाहते, हमारे अंतःकरण में उनके लिए दुआ ही रहेगी और हम दया और शान्ति से उनके गुनाहों की तरफ देखेंगे । मेरा भी विचार हैं कि कानून की इतनी ज्यादा आवश्यकता नहीं हैं जितनी लोगों के हृदय परिवर्तन करने की हैं और मैं भी अब समझने लगा हूं कि अस्पृश्यता केवल कानून या दंड देने से ही नष्ट होने वाली नहीं हैं । गांधी जी की भी अस्पृश्यता निवारण नीति यही थी कि लोगों के मन परिवर्तन से ही यह कलंक मिट सकता हैं ।

सभापति महोदय : आपका समय खत्म हो गया हैं ।

श्री पी० एन० राजभोज : केवल एक मिनट और देने की कृपा करें । मैं अपनी बात खत्म कर रहा हूं । यह बड़ा इम्पार्टेंट सवाल हैं । मेरा ख्याल यह हैं कि स्पृश्य वर्गों ने हजारों वर्षों से हमें दबाया हैं । लेकिन जब इस हाउस का यह ख्याल हैं तो हमें कानून की उतनी आवश्यकता नहीं हैं, जितनी कि विलेजेज के अन्दर जो लोग हैं उन के दिल में अस्पृश्यता के विरुद्ध डर पैदा करने की आवश्यकता हैं । हम लोगों को सिर्फ कानून की ही दृष्टि से इस को नहीं देखना चाहिये । मैं जानता हूं कि दोनों वर्गों के सहयोग से ही इस को मिटाने की आवश्यकता हैं ।

मुझे कहना तो बहुत था लेकिन समय कम हैं इसलिये इतना ही कह कर खत्म करता हूं ।

Mr. Chairman: Shri Gidwani.

Shri Gidwani (Thana): I wanted to speak in the Third Reading.

Shri N. Rachiah: I fully support clause 3. This clause relates to the punishment for the enforcement of religious disabilities. This is a very important clause because the central factor which abets and feeds communalism and religious prejudices and untouchability ies in this clause It is always the *pujaris* or the religious heads, the gurus and swamis of brahmin maths and lingayat maths which are the sources of inhuman social inequalities in Hinduism, these agencies of the caste Hindus who are keen on what is called untouchability. The punishment must be very severe in such cases. I have moved two amendments numbers 58 and 59 that the punishment must be not less than 3 years and five hundred Rupees. I am one of those who do not want any punishment to be given for the caste Hindus. The caste Hindus particularly the so-called orthodox section of society have so far lived on the sweat and blood of the so-called untouchables. It is their selfish and an imperialist attitude that has been the cause for the observance of untouchability. When all these years, thousands of years, we have sacrificed and laboured for them, we do not want any punishment. We have achieved our Independence only 8 years ago. Even today, the so-called superior class people do not treat Harijans as human beings. We cannot tolerate this social and religious persecution. The caste Hindus have not understood the conception of God. Some caste Hindus say that Harijans do not have faith in idol worship and therefore, they should not be allowed to enter the temples. I say that Harijans have more faith than caste Hindus. My place is known as Dakshina Kasi. The history of the place is this. Hiranyakasipu, father of Prahlada of the Hindu scriptures was here. Prahlada and Dhruva were children. They proved that God was omnipresent. Prahlada challenged his father, the Emperor of the Hindu kingdom that God is everywhere. His father did not believe it. The challenge took place and the real God came out from a pillar and killed the father of Prahlada. When such is the case, Members like Shri K. C. Sodhia and some others oppose this Bill as if they hold God in their pocket. This shows their narrow conception of God. Because of our ignorance we have been tolerating all this imperialist attitude. If this punishment is not going to be prescribed, I am sure no backward class person will hereafter tolerate it. It is not a question of mere untouchables. I may tell you that these inequalities are only differences of degree. Untouchability is there among the backward classes also It is extreme among the untouchables This question of untouchability can be solved by Government by giving adequate representation in all services, educational facilities and Govt. lands to Harijans.

I would like to quote a passage from Gandhiji's speeches.

Gandhiji said:

> "I would not sell the vital interests of the untouchables even for the sake of winning the freedom of India. I claim myself, in my own person, to represent the vast mass of the untouchables.....
>
> Let this Committee and let the whole world know that today there is a body of Hindu reformers who feel that this is a shame, not of the untouchables but of orthodox Hinduism and they are therefore pledged to remove this blot of untouchability."

I shall quote only one more passage.

He said:

> "Custom which is often more powerful than law, has brought them to a degradation of which every thinking Hindu has need to feel ashamed and to do penance. I should therefore have the most drastic legislation rendering criminal all the special persecution to which these fellow countrymen of mine are subjected by the so-called superior classes."

[Shri N. Rachiah]

Let this August House prescribe the punishment; I do not want to prescribe punishment. We want protection only because we are persecuted in the religious and social field. If the social inequalities are removed, we do not want this Act on the statute Book. We want to enter the temples because, Central Government are giving generously a lot of encouragement with regard to our education. We have become more Hindu conscious. Religion is actually in the hands of the untouchables. The orthodox classes have taken to the ways of foreigners and western ways of thinking. The caste Hindu ladies have also gone to foreign countries and they also follow foreign ways. Actually religion is among the untouchables. We are not getting any appointments or any encouragement in any field though the constitution provides for them due to caste prejudices. At least as true Hindus, we want to go to the temples freely and pray to God for one betterment.

Shri Jangde (Bilaspur—Reserved—Sch. Castes): On a point of order, we have already exhausted 2½ hours for a clause. There are so many amendments to other clauses.

Mr. Chairman: We have considered that point. Perhaps the hon. Member was not here.

Shri Barman (North Bengal—Reserved—Sch. Castes): I would have been happy if the word 'only' had been deleted from this clause. There are two objections, one technical and the other substantial also. The technical.....

Shri Velayudhan: How?

Shri Barman: Let me not be interrupted, Sir, by the hon. Member.

Mr. Chairman: It is not possible even for me.

Shri Barman: The technical objection to my mind is, that the provisions of this Bill are to find out ways and means of how to make untouchability an offence, and the offences punishable under the law. That is the scope of the Bill. If only the word 'only' is eliminated, any kind of disability will be penalised.

Shri Velayudhan: Please give illustrations.

Mr. Chairman: I would request the hon. Member to exercise greater restraint unless I have to take some other action.

Shri Barman: I was saying, if the word 'only' were removed, the position becomes clear. Any person whatever might be his purity of body or mind, if he has a bottle of wine with him and wants to enter the temple, the pujari or persons in charge of the temple cannot obstruct that man and if he objects he will come within the mischief of this provision.

That is the technical objection, and substantially also, nobody, either Christian or Hindu or Muslim, would like that a sacred place like this should be or can be defiled in that way. That is the first point.

Secondly, I would say that the other amendments are relating to offences. Most of the amendments want to increase the punishment. Now, what I want to say is this. We have made the penal clause a moderate one. At the same time, we have added clause 11 to this Bill, so that if there be a repetition of the offence, in that case, not only fine but also imprisonment, is provided in the Bill. So it cannot be said that the punishments are light. After all, many Members have already said that it is not only by passing a Bill that this canker of untouchability can be removed. We shall have to take many other steps. We have to have social education and we have to depend on the sympathy and co-operation of the villagers who are more conscious and have good sense and a better outlook of social life. Then we shall depend on the judiciary to see that the Act is properly administered.

If we make the provision too strict, then it may be that the Judge will think that in the case of an offence which is not so serious, he should not be given that punishment and so may declare him to be not guilty. Such cases happen.

The third point is this. There are other amendments which seek to eliminate the whole explanation clause. I think that cannot be done. If it is eliminated, persons who want to come out of the Hindu religion, who declare themselves to be non-Hindus, will try to elude themselves from the scope of this Bill. So we cannot eliminate it. There is the case of the Swaminarayan sect. The word 'including' is there. But when there is a specific case before our eyes, it would be better that this amendment of my friend is incorporated in the Bill.

Shri Khardekar: I think the explanation to clause 3 may be deleted. I agree with Shri S. S. More. I do not know whether we should rope in the Jain community here; I do not think that the Jains belong to the Hindu religion. However, I am open to correction.

I want to say a few words first about temple entry. After listening to a few remarks of Shri Nand Lal Sharma, I have been seriously thinking about those remarks, particularly because Shri Nand Lal Sharma is a very sincere person and I do respect him. He says that he does not like even members of his own family to disturb him when he prays. I quite agree. But the point here is one of a public place of worship. Nobody would like to invade his house or disturb his privacy. Now, in a public place of worship, all high caste Hindus are allowed. Is the presumption in favour of their morals? Is every Hindu who goes to the temple a very faithful devotee of God, and does he go there with all the best intentions? Does he presume that Harijans—I am sorry, those who are members of the Scheduled Castes—go there with this idea, that they want to go there without any faith? How is one to know what is in the mind of some? I will narrate an instance, which a friend of mine told me. At Kolhapur there is the Ambabai temple. He is a person very much like Shri Nand Lal Sharma. He used to get up early in the morning and go to the temple at four O'clock. Then after some days he found that one fairly old gentleman for all purposes very respectable, was paying more attention to the ladies than to the deity. And one day —this actually happened—he went to the extent of being somewhat indecent and then the friend of mine slapped him straightway. Does Shri Nand Lal Sharma presume that all priests are highly moral people and completely devoted? The perversity and immorality of some priests all over the world in all the countries is perhaps the darkest chapter in human history. I will just read two or three sentences from Bertrand Russel's Marriage and Morals:

> "We may not lay much stress on such isolated instances of depravity as that of Pope John XXIII, who was condemned for incest, among other crimes, and for adultery; or the abbot-elect of St. Augustine, at Canterbury, who in 1171 was found, on investigation, to have seventeen illegitimate children in a single village; or an abbot of St. Pelayo, in Spain, who in 1130 was proved to have kept not less than seventy concubines; or Henry III, Bishop of Liege, who was deposed in 1274 for having sixty-five illegitimate children....."

> "The writers of the Middle Ages are full of accounts of nunneries that were like brothels, of the vast multitude of infanticides within their walls, and of that inveterate prevalence of incest among the clergy.....".

This is not restricted only to Europe. In Goa, there was, and there is even today to some extent, the system of *devadasis*. These *devadasis*

[Shri Khardekar]

are meant mostly for some depraved priests, I do not condemn all priests; naturally not. So this is the problem that you have to consider. The presumption that the untouchables go to temples without faith and so on is not a correct presumption. I think the poorer people—and the members of the Scheduled Castes are the poorest—are bound to have simple and pure faith.

I want to speak about punishment, if you will allow me, at some other time on some other clause or in the third reading.

The Minister of Home Affairs (Pandit G. B. Pant): The amendments can be grouped under four heads. I will only make a very brief statement about each.

The first one suggests the deletion of the word 'only'. I personally do not see that the deletion or retention of this word makes any real difference. I have no objection to the word 'only' being dropped. We want to get rid of untouchability and I should like to make the process of eradication of untouchability complete as speedily as can be possible. So I do not think that anything will be lost by deleting this word 'only'.

As to the introduction of the word *'math'*, I think it is not necessary. Moreover, we do not know what a *math* really means. It is better to confine ourselves to the known and not to get entangled in the unknown. It may create other problems. There are not many *maths*. Even I, though there is perhaps no bar to my entering a math, have never entered any *math*. So others will hardly have had any occasion to enter a *math*. I am also afraid that it might sometimes create a law and order problem. The people in charge of maths are full-blooded, and I would rather like to save others from even unwarily intruding into the preserves of the *math*-keepers. So in the interest of the weaker people, it is much better to leave *maths* alone than to get them involved in this hazardous enterprise.

Then about punishment, I understand there have been proposals of contrary and opposite character. On the one hand, some hon. Members have suggested that the sentences must be more severe than those prescribed in the Bill I think there has been a suggestion that the sentence of six months should be reduced to three. I think the best thing in such cases is to let the provision, which has been adopted by the Joint Select Committee, remain undisturbed. They had had occasion to examine every word of the Bill fully and there is no reason why when there is a difference of opinion, we should override their well-considered conclusions. So, let it remain as it is.

The fourth amendment relates to the Explanation. There would have been no harm if there had been no Explanation. Explanations often, instead of explaining, make them still more inexplicable. However, it is there and it has the sanction of the Joint Select Committee. So I do not want to upset it completely. I will, however, suggest a few minor amendments on the amendments that have been proposed by some hon. Member, Shri Dabhi, I think. I presume the Chair has got a copy of the amendment. I suggest that instead of the Explanation remaining in the form in which it appears in the Bill, it might be amended slightly, so that the amended form would be—

> "For the purposes of this section and section 4, persons professing the Buddhist, Sikh or Jain religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahmo, Prarthana, Arya Samaj and the Swaminarayan Sampradaya shall be deemed to be Hindus."

That will, I think, set at rest the anxieties of the Jains and it will meet the case fully. So, I suggest that this amendment be modified to the extent

necessary and if it assumes the shape which I have given to it, I hope all hon. Members will agree to my proposal and to their amendments being withdrawn.

Mr. Chairman: We have got the amendments indicated as selected, but there is one difficulty about No. 124. Shri Velayudhan has spoken on it and Shri Shibban Lal Saksena indicated his choice after the Speaker had mentioned that no other amendment would be included. But I find from the reply that the Government is prepared to accept the amendment for the deletion of the word 'only'. If that be so, then I might allow it to be formally moved.

Shri Velayudhan: The country will be very grateful.

Pandit Thakur Das Bhargava: We have not fully understood the full import of the hon. Minister's amendment in regard to the Explanation.

Mr. Chairman: I will read it out:

"*Explanation*—For the purposes of this section and section 4, persons professing the Buddhist, Sikh or Jain religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahmo, Prarthana, Arya Samaj and the Swaminarayan Sampradaya shall be deemed to be Hindus."

Shri Velayudhan: I beg to move:

In page 2, line 12, *omit* "only".

Shri Pataskar: I beg to move:

In page 2, *for* lines 27 to 31, *substitute*:

"*Explanation.*—For the purposes of this section and section 4, persons professing the Buddhist, Sikh or Jain religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahmo, Prarthana, Arya Samaj and the Swaminarayan Sampradaya shall be deemed to be Hindus."

Mr. Chairman: I suppose the House would allow me to put all these amendments, except Nos. 124 and 146 on the Explanation, together to the vote of the House. I do not suppose any hon. Member wishes to press any particular amendment for vote.

The question is:

In page 2, *for* lines 24 to 26, *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 11 and 12, for "on the ground only of 'untouchability' prevents any person" *substitute*:

"on the ground of any person being an untouchable prevents such person".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 24 and 25, *for* "six months" *substitute*:

"three years and shall be not less than one year".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 25, *after* "months" *insert* "but not less than three months"

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 25 and 26, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable properly."

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 25, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, *omit* lines 27 to 31.

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 30, *for* "or Arya Samaj" *substitute* "Arya Samaj or Swaminarayana Sampradaya".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 30, *after* "Arya Samaj" *insert* "or Swaminarayan sect."

The motion was negatived.

Mr. Chairman: The question is:

In page 2, *for* lines 27 to 31, *substitute*:

"*Explanation.*—Section 3 and clause (a) (x) of section 4 applies to—

(a) any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj, and

(b) any person who is a Buddhist, Jain or Sikh by religion."

The motion was negatived.

Mr. Chairman: The question is:

In page 2, *after* line 23, *add*:

"(c) from entering any place of public preaching or math which is open to other persons or any section thereof, as such person;"

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 24 and 25, *for* "six months" *substitute*:

"five years and shall not be less than three years".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 12, *omit* "only".

The motion was adopted.

Mr. Chairman: The question is:

In page 2, *for* lines 27 to 31, *substitute*:

"*Explanation.*—For the purposes of this section and section 4, persons professing the Buddhist, Sikh or Jain religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahmo, Prarthana, Arya Samaj and the Swaminarayan Sampradaya shall be deemed to be Hindus."

The motion was adopted.

Mr. Chairman: By the adoption of the above amendment, amendments Nos. 127 and 143 are barred.

The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4.—(*Punishment for enforcing social disabilities*)

Mr. Chairman: We have spent a good deal of time on clause 3. The overall time is fixed and so we do not want that the other clauses may be guillotined at the end. Therefore, we should keep in view that the amendments should not be discussed at length. The Members who want to participate must confine themselves to the points and not take long in elaborating those points.

The selected amendments that have been indicated up to now are:

62, 101, 128, 24, 63, 25, 26, 27, 64, 102, 8, 28, 9, 103, 130, 104, 65, 69, 10, 11 and 70.

Shri Jangde: There is my amendment No. 84 also.

Mr. Chairman: That will be included.

Shri Veeraswamy: My amendments Nos. 66 and 67 may also be included.

Mr. Chairman: 66 and 67 will be included.

Shri Balmiki (Bulandshahr Distt.—Reserved—Sch. Castes): There are my amendments Nos. 131 and 132.

Shri Sadhan Gupta: My amendment No. 62 will not be necessary now.

Mr. Chairman: Of course, all these are subject to admissibility.

Shri Balmiki: Then there are my amendments Nos. 144 and 145 also.

Mr. Chairman: There should be some time-limit. When I stood up, the hon. Member did not mention these.

Shri Velayudhan: What about 127?

Mr. Chairman: It has been brought to my notice that No. 127 relates to clause 3, which has already been disposed of. We are now dealing with clause 4.

Shri Sadhan Gupta: I beg to move:

(i) In page 2,—

(a) Lines 32 and 33, *for* "on the ground only of 'untouchability" *substitute* "on the ground of any person being untouchable."

(b) Line 35, *for* "any person" substitute "such person".

(ii) In page 3, line 29, *for* "any person" *substitute* "such person".

Pandit Thakur Das Bhargava: I beg to move:

In page 2, *for* lines 35 and 36, *substitute*:

"(a) prevents or obstructs."

Shri S. L. Saksena: I beg to move:

In page 2, line 33, *omit* **"only".**

Shri Sadhan Gupta: I beg to move:

In page 2, lines 40 and 41, *for* "or *musafirkhana" substitute "musafirkhana* or any other place".

Shri N. Rachiah: I beg to move:

In page 2, lines 40 and 41, *for* **"or** *musafirkhana", substitute "mutt, musafirkhana* or any other place".

Shri Sadhan Gupta: I beg to move:

(i) In page 2, lines 41 to 43, *for* **"or** of persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person" *substitute* "or any section thereof".

(ii) In page 3, lines 3 to 6, *for* **"or** persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person" *substitute* "or any section thereof".

(iii) In page 3, *for* lines 10 to 12, *substitute* "or any section thereof; or"

Shri N. Rachiah: I beg to move:

In page 3, line 14, *after* **"trust"** *insert* "or a religious *mutt".*

Pandit Thakur Das Bhargava: I beg to move:

In page 3, line 21, *after* **"whatsoever"** *insert* "on any land or building where the complainant has the right to construct, acquire or occupy, as the case may be".

Shri N. Rachiah: I beg to move:

In page 3, line 22, *after* **"Sarai"** *insert* "mutt"

Shri Sadhan Gupta: I beg to move:

In page 3, lines 23 to 25, *for* "or to persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person;" *substitute* "or to any section thereof".

Shri Kasliwal: I beg to move:

In page 3, line 28, *insert* "(xi) the use of jewellery and finery on such ceremonial occasions, or".

Pandit Thakur Das Bhargava: I beg to move:

In page 3, line 29, *after* "compels" *insert* "by force".

Shri S. L. Saksena: I beg to move.

In page 3, *after* line 31, *add*:

"(c) compels any person to get down from 'cot' or 'palanquin', or 'horse' before high caste persons;".

Pandit Thakur Das Bhargava: I beg to move:

In page 3, *for* lines 32 to 34, *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

Shri N. Rachiah: I beg to move:

(i) In page 3, line 29, after "person" *insert* "to render any free service".

(ii) In page 3, lines 32 and 33, *for* "six months" *substitute*:

"three years and shall be not less than one year".

Shri Khardekar: I beg to move:

(i) In page 3, line 33, *after* "months" *insert* "but not less than three months".

(ii) In page 3, lines 33 and 34, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property"

Shri N. Rachiah: I beg to move:

In page 3, line 33, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

Shri Veeraswamy: I beg to move:

(i) In page 3, line 29, *after* "to" *insert* "build a bier, or".

(ii) In page 3, line 30, *omit* "pariah".

Shri Balmiki: I beg to move:

(i) In page 3, *after* line 31, *add*:

"(c) compels any person to scavenge, remove filth, rubbish and leaves etc. on which food may have been served;

(d) compels any person to call him as chowdhari, malik or swami."

(ii) In page 3, line 33, *for* "five hundred rupees" *substitute* "one thousand rupees".

Shri Jangde: I beg to move:

In page 3,—

(i) line 31, *add* at the end 'or'

(ii) after line 31 *add*:

"(c) having invited a group of persons to a tea party or a light refreshment or to a dinner, excludes a person, who is a member of such group, with the willing consent of that group, from joining the same, or refuses to admit him".

Shri Balmiki: I beg to move:

(i) In page 3, *after* line 28, *add*:

"(xi) the use of ornaments and jewellery on ceremonial occasions; or".

(ii) In page 3, line 29, *after* "carcass" insert "nightsoil, filth or rubbish".

Mr. Chairman: All these amendments are now before the House.

Dr. Rama Rao: May I request that all the other amendments and clauses be taken up together? Actual voting you can decide later on. We have got very little time and we have got very important amendments in clause 15. I hope the House will co-operate and allow the compoundability of the offences to be discussed: that is the most important point.

Mr. Chairman: I have no objection if the House feels that we will be able to discuss all these things together. The hon. Member's point is that all these clauses may be taken together and all the amendments might be considered as having been moved and the whole discussion on this might be had together and ultimately the clauses and the amendments might be put separately. If this is agreed to by all the hon. Members, I have no objection but I feel that it may again turn into a general discussion.

Shri Velayudhan: Yesterday the list was No. 8 and the number was given as 127 but today it has come in the list and is numbered as 128 and that is why I said that 127 and 128 mean the same. I have got this paper circulated by the Secretariat and it was numbered 127 yesterday. Today it is numbered 128.

Mr. Chairman: I had included it—amendment No. 128 to clause 8.

Pandit Thakur Das Bhargava: I would submit that we are short of time. At the same time, if you allow all the clauses to be taken up together or all the amendments to be moved, I think then there will be nothing but confusion. Even though we are short of time, it will be much better if we take up the clauses one by one within such time as we have got.

Mr. Chairman: That is exactly my fear also. I have already pointed out that it would then turn into a general debate and we could not concentrate on particular points. Therefore, that would not be possible. My request is that the hon. Members who want to speak should confine themselves to one or two minutes only.

Shri Kasliwal: I have moved my amendment No. 9 to clause 4. The Joint Committee in clause 4 have dealt with various disabilities but this particular sort of disability had escaped their notice. That is why I have moved my amendment which adds 'the use of jewellery and finery on such ceremonial occasions, or'. I have already gone through these matters with the Minister and I hope he will accept my amendment.

Shri Sadhan Gupta: There are two particularly objectionable portions one in a group and the other single, in clause 4.

The first objectionable portion which spreads over several sub-clauses of section (a) of clause 4 is the sanction given by this Act to confine some institutions to certain religious denominations of certain religious sects. I quite understand the religious institutions being confined to religious sects or religious denominations. We claim to be a secular State and we say that we treat everyone alike. I want to ask the Minister whether we are justified in keeping social institutions exclusively confined to certain religious sects. What I find in clause 4 is that we keep the use of utensils confined to certain people of certain religious sects. We are sanctioning it by law. We keep the use of any place used for a charitable purpose to a certain sect and we say it may be confined to a certain religious sect and we sanction it. We even sanction the use of *sarais* or *musafir-khanas* to be confined to certain religious sects and worst of it all appears in sub-clause IV of clause (a) of section 4: '.....the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place or any bathing ghat.....'. Are we really a secular State? Why do we sanction this segregation of people of other religions from the use of water tanks, wells, streams, springs, etc? I do not see how this is just and how this is permissible in any secular State. For instance, there is a separate exclusiveness in Hindu society and

[Shri Sadhan Gupta]

they want to exclude Muslims from access to watering places or springs or streams or tanks and they are allowed to do it under this Act. If they want to restrict Christians from access to these places, they are allowed to do it. This is a monstrous thing and this should never be permitted. It may be confined to religious institutions and religious places but not to social bodies and not to watering places and so on and so forth.

I have suggested four amendments—Nos. 25, 26, 27 and 28 by which, instead of persons professing the same religion and so on, I have said 'to any section of the general public', that is to say, no person can be excluded from access to any of these places if it is open to the general public or a section thereof. I can understand, in a private house you cannot admit everyone. But in a public place, in an institution to which the public is admitted, you can never say that you will admit people of this religion and not admit people of that religion. You cannot say 'I will admit Hindus, I will not admit Muslims or I will admit Muslims and not Christians'. This is a monstrosity by any conception of secularism.

The second objectionable portion is the one regarding which my amendment No. 24 has been moved. Section 4, clause (a), sub-section (2) prohibits the prevention on the ground of untouchability of the use of any utensils and other articles kept in any public restaurant, hotel, *dharmshala, sarai* or *musafirkhana* for the use of the general public or of persons professing the same religion and so on. Apart from the restriction regarding the persons professing the same religion and so on the other objection is that it confines the mischief of this Act only to discrimination in regard to a public restaurant, hotel, *dharmshala*, or *sarai*. I want to extend that to other places of public resort because we know that during the debate on the Scheduled Castes Commissioner's report it was very forcibly brought out that in this very city of Delhi, a certain person of the Scheduled Caste drank water in a glass in a court which is open to the general public and he was not only subjected to indignity but he was asked to conpensate for the utensil which he used. This section will not prevent this thing, but this is what we are out to prevent. If it is done in a court or in any other public place, is it to be permitted? Section 4 would permit it in any place which is not a restaurant, hotel, *dharmshala, sarai* or *musafirkhana*. Therefore, by my amendment No. 24, I have sought to add 'or any other place'. These are my amendments and I hope in the interests of secularism and in the interest of doing justice to the people of the Scheduled Castes, the Minister will have no difficulty in accepting my five amendments—Nos. 24, 25, 26, 27, and 28.

2 P.M.

Shri Veeraswamy: To clause 4, there are two amendments which I have moved. They are amendment Nos. 66 and 67. Sub-clause (b) of clause 4 reads as follows:

> "(b) compels any person to dig a grave, or remove a carcass or beat *pariah* drums or convey the news of the death of any person;"

In this clause I want to insert also the words "build a bier", because, you know in this country a section of the Scheduled Castes has been compelled by the Brahmins and other caste Hindus to construct a bier and take the dead body to the burial ground or to the cremation ground and bury the dead body or to burn the dead body as the case may be. So, these words must be included in that line.

Mr. Chairman: At this stage at least the hon. Member concedes that untouchability is not followed. They are allowed to carry the dead body!

Shri Veeraswamy: Yes, Sir. Then, I come to the next amendment. It is amendment No. 67. Here, I request

that the word *pariah* may be omitted. Is there a Brahmin drum in this country? No. Is there a caste Hindu drum? No. Is there any high caste drum? No. Drum means the same drum for everybody. The word *pariah* means a section of the Scheduled Castes. It is the name of a caste. I therefore request that this word *pariah* may be removed from the sub-clause. As I said earlier, the words "build a bier, or" should also be inserted.

श्री वाल्मीकी : सभापति जी, आपका धन्यवाद हैं जो मुझे कुछ अपनी बात कहने का अवसर दिया ।

इस अवसर पर जबकि हम Untouchability Offences Bill की धारा ४ पर बहस कर रहे हैं, मैं यही कहूंगा :—

"जाके पैर न फटी बिवाई,
वह क्या जाने पीर पराई ।"

"दिल का मरहम कोई न मिलिया,
जो मिलिया सो गर्जी ।
कहत कबीर असमानहि फाटं,
कहां लौं सीवें दर्जी ॥"

सदियों के फटे हुए दिल को सदियों से सीने का प्रयत्न किया जा रहा हैं । वह प्रयत्न आज भी जारी हैं । कल से बराबर इस सभा में शब्दों की वर्षा हो रही हैं । शब्दों का पारावार उमड़ रहा हैं और सदियों की इस पापमयी कालिमा को धोने का प्रयत्न हो रहा हैं लेकिन मैं तो कबीर के शब्दों में कहूंगा :—

'घर घर बरखा बरसायो, पिड़िया बूंद न पानी' ।

हमें तो हृदय का प्रेम चाहिये, शाब्दिक प्रेम नहीं । यह हकीकत हैं कि किराये पर खरीदे हुए आंसू दिल के आंसू से ज्यादा नहीं हो सकते, हृदय के आंसुओं में कुछ और ही बात रहती हैं । हृदय के आंसू तो हृदय के प्रेम से ही उमड़ते हैं :—

"मोले घात ले रडाया, नाहीं आंस् आणीं माया" । —तुकाराम—

पैसा देकर रोने के लिए बुलाया, कहां आंसू कहां प्रेम । हमें तो आपका निश्छल प्रेम चाहिये ।

'सहृदयं सामनस्यमविद्वेषं कृणोमि वः ।
अन्यो अन्यमभिहर्यत वत्सं जातमिवाधृया ॥

—अथर्व वेद—

हे मनुष्यो ! तुम में परस्पर प्रेम हो । तुम्हारे दिल एक से हों—तुम्हारे मन एक से हों । तुम एक दूसरे से द्वेष भाव न रखो । जैसे—गऊ अपने बच्चे को प्यार करती हैं वैसे ही तुम भी प्रेम करो ।

दिल का छलकता हुआ प्रेम अगर देखना हो तो गाय जब प्रेम से अपने बच्चे को प्यार करती हैं और दुलारती हैं, तब देखो, जरूरत तो उस प्रेम, वात्सल्य और सहृदयता की हैं । आज अफसोस के साथ कहना पड़ता हैं कि वह चीज नजर नहीं आती ।

श्री धुलेकर (जिला झांसी—दक्षिण) : यह तो ब्राह्मणों की भाषा हुई ।

श्री वाल्मीकी : क्या ब्राह्मणों की भाषा हुई ? आज भंगीत्व ब्रह्मणत्व से कहीं बढ़ कर हैं ।

मैं दो दिन से देख रहा हूं कि यहां पर किसी ने भंगी की बात नहीं की और ज्वाइन्ट कमेटी में भंगियों को किस तरीके से दरगुजर किया गया हैं । मैं तो कहूंगा कि
I doubt the sincerity of the Harijan Members who were on the Joint Committee. I doubt the sincerity of the Government and the Joint Committee.

Mr. Chairman: The hon. Member should not go to that extent.

श्री वाल्मीकी : मेरा तो आक्षेप यह हैं कि भंगियों की तरफ किसी ने ध्यान नहीं दिया । अभी कल हमारे माननीय पंत जी ने हरिजनों के बारे में और छुआछूत के बारे में जो शब्द कहे, मैं उनसे बहुत प्रभावित हुआ और उन्होंने कहा कि हम इस छुआछूत को रूट एंड ब्रांच लाक, स्टॉक एंड बैरल इस देश से खत्म करना चाहते हैं । लेकिन हम देखते हैं कि भंगी का

[श्री बाल्मीकी]

इसमें जिक्र नहीं हैं लेकिन भंगी के रूप में एक गुंफ्ट, (पेवंद) रख दी गई हैं ताकि भंगियों के सम्बन्ध में कभी छुआछूत को बढ़ाया जा सके। इस सम्बन्ध में मैं स्वयं गांधी जी के कुछ शब्द उद्धृत करता हूं :

"मैं यह कहना चाहता हूं कि हिन्दू धर्म में जाति आज जिस शक्ल में मौजूद हैं, वह एक ऐसी बेहूदा चीज हैं, जिसका वक्त गुजर गया हैं। सच्चे धर्म की बढ़ती में इससे रुकावट ही होगी और अगर हिन्दू धर्म और हिन्दुस्तान को जीना हैं और दिन दिन तरक्की करनी हैं, तो जात पांत मिटनी ही चाहिए। ऐसा करने का उपाय यह हैं कि सब हिन्दुओं को अपना भंगी आप बन जाना चाहिए और पीढ़ी दर पीढ़ी से भंगी कहलाने वालों को अपना भाई समझना चाहिए। मैंने भंगी इसलिए लिखा हैं कि जीने की सबसे नीची सीढ़ी पर वही खड़ा हैं।" यह शब्द गांधी जी ने अप्रैल, १९४५ में कहे थे। मैं तो कहूंगा कि जब तक इस देश में भंगी रहते हैं तब तक आप चाहे कितने ही प्रयत्न कीजिये, छुआछूत जा नहीं सकती।

भंगी कोई कमजोर नहीं हैं। आज उसकी आत्मा ऋग्वेद के इस मंत्र के रूप में पुकारती हैं----

"अहं इन्द्रो न पराजिग्ये", अर्थात् मैं आत्मन् हूं, मेरा पराभव नहीं हो सकता। लेकिन आखिर यह पराभव कैसे किया गया। हमारा पराभव ही नहीं किया गया बल्कि हमको भुलाया गया। नये क्लाज ४ के ऊपर आकर कहते हैं और यह जो उसमें दिया गया हैं :----

"compels any person to dig a grave, or remove a carcass or beat *pariah* drums or convey the news of the death of any person."

यह कैसी भाषा हैं कि भंगियों के पेशे का नाम इसमें नहीं हैं। क्या देश भंगी को टट्टी तक ही सीमित रखना चाहता हैं ? जब तक भंगियों पर से छुआछूत नहीं उठा लेते तब तक यह कलंक दूर नहीं हो सकता और अस्पृश्यता जा नहीं सकती। जिस दिन भंगी कहेगा कि छुआछूत मिट गई----वह दिन मुबारिक होगा। इसी चीज के लिए मैं ने १२१ और १३२ नम्बर के अमेंडमेंट दिये हैं। मैंने सुझाव दिया हैं कि मेरे अमेंडमेंट नम्बर १३१ का पार्ट सी० क्लाज ४ के बी भाग के बाद में और जोड़ दिया जाय और वह शब्द ये हैं :----

"compels any person to scavenge, remove filth, rubbish and leaves etc. on which food may have been served."

मैंने इस अमेंडमेंट को अपने अमेंडमेंट में जो सुबह दिया हैं अधिक साफ कर दिया हैं। वह इस प्रकार हैं :----

"On page 3 in clause 4 in line 29, after the word "Carcass", insert "nightsoil, filth or rubbish."

जब तक एक जाति के ऊपर यह भंगी का पेशा, टट्टी कमाने का पेशा लदा रहता हैं, तब तक छुआछूत दूर नहीं हो सकती। मेरी आवाज गांधी जी की बात से शक्तिमान् हो जाती हैं। मैं आपको बतलाना चाहता हूं कि आज भी भंगियों की कितनी दुर्दशा होती हैं और किस तरह उनकी उपेक्षा और अवहेलना होती हैं। अभी कल की ही तो बात हैं कि मेरा भतीजा, जिसने बारहवीं कक्षा का इम्तिहान दिया हैं और जो संस्कृत में किसी भी सवर्ण हिन्दू के लड़के से योग्य साबित होगा उसको बुलन्दशहर के एक बनिये ने मोटर में कहा कि हट बे ! भंगी के, किधर बैठा हैं। इतना ही नहीं मेरे बड़े भाई श्री चन्दा राम जो १५ अप्रैल को गुजरे हैं और जो हमेशा फटे कपड़ों में और गरीबी की हालत में रहते थे, जब वे और मैं एक मंदिर में दर्शन करने गए तो हमें अन्दर घुसने नहीं दिया और धक्का मार कर हटा दिया गया, मेरे भाई को चांटा मारा गया, अब बतलाइये जब इस तरह का सलूक मेरे भाई के साथ किया गया और मैं अपने लिये क्या कहूं जिसका कैरियर हमेशा बड़ा प्रतिभाशाली रहा और अपने विद्यार्थी जीवन में कोई भी सवर्ण हिन्दू का लड़का मेरी टक्कर नहीं ले पाता था। मुझे और मेरे भाई को नीचे धक्का देकर गिरा दिया। मुझे वह वक्त याद

हैं जब उन्होंने मेरे भाई के मुंह के ऊपर तमाचा मारा और मैं नीचे खड़ा देखता रहा और मन में सोचता रहा कि आखिर इस व्याधि का क्या इलाज है। बातें तो हम सब करते हैं लेकिन इसको खत्म करने वाला कोई नहीं मिलता।

"कहता तो बहुतें मिला, करता मिला न कोय,
जो कबीर करता मिले, तो कहता रहे न कोय।"

मैं कहता हूं कि अस्पृश्यता अगर मिटानी है तो भंगियों के उद्धार के सम्बन्ध में सोचिये। लेकिन अफसोस के साथ कहना पड़ता है कि भंगियों की समस्या का कोई हल होता नजर नहीं आता। यह जरूर है कि जो अमेंडमेंट मैंने दिया है उसके स्वीकार हो जाने से भंगी लोग भी इसकी डेफिनिशन में आ जायेंगे। मैं कहां तक आपको भंगियों की हालत बतलाऊं। जेल में भी जब मैं और मेरे दूसरे भाई गये तो बी० ए० तक पढ़े होने के बावजूद चूंकि मैं भंगी जाति से हूं इसलिये जेल में मुझे पाखाने का कूड़ा धोने को कहा गया। इसी तरह आर्मी में भी हमने देखा है कि हमारे आदमियों को चाहे वह कितने भी बहादुर हैं भंगी का पेशा करने के लिए मजबूर किया जाता है और उनको भंगी का काम करना पड़ता है और घोड़े की लीद उठानी पड़ती है। कम-से-कम जेल और आर्मी में तो आप उनकी रक्षा कर सकते हैं। आप इस बुराई और कोढ़ को दूर तो कीजिये।

आप हरिजनों के लिए मंदिर प्रवेश की बात कहते हैं लेकिन मैं कहता हूं कि आपका देवता वहां से भाग गया है।

मुझे इस सम्बन्ध में श्री रवीन्द्रनाथ टैगोर के वे शब्द स्मरण हो आते हैं। "ओ, मेरे अभागे देश, जिनका तूने अपमान किया है, उस अपमान ने तुझे पीछे धकेल दिया है।" मैं तो विचार-धारा का समर्थक और अनुयायी हूं। यह बड़े हर्ष का विषय है कि पंडित जवाहरलाल नेहरू जो गांधी जी के उत्तराधिकारी हैं और जिन्होंने कि गांधी जी के चरणों में सेवा का व्रत लिया है, वह जवाहरलाल जी आज इस अस्पृश्यता पर चोट पर चोट लगा रहे हैं लेकिन पूरी तरह सामाजिक-विषमता तथा कटुता के रहते उनकी चल नहीं पा रही है। इनके अलावा हृदय के आंसू आचार्य क्षिति मोहन सेन और तुलसीदास ने अपनी रचनाओं में बहाये हैं। उन्होंने बतलाया कि ओ ब्राह्मणो, तुम इन हरिजनों से क्यों लड़ते हो, यह तो साक्षात भगवान् के चरणों से निकले हैं। हमने इन अभागे लोगों के लिए गांधी जी के हृदय के आंसू देखे और उस बाल ब्रह्मचारी महर्षि दयानन्द सरस्वती के आंसू देखे और मैं उनको ट्रिब्यूट देता हूं, मैं ईसाईयों को ट्रिब्यूट देता हूं, मुसलमानों को ट्रिब्यूट देता हूं कि उन्होंने प्राणी मात्र को सच्चा रास्ता दिखाया जब उनके पैगम्बर ने यह कहा :

"अलहम्दुलिल्लाह रब्बुल आलमीन"

इसी तरह क्राइस्ट की टीचिंग देखिये जब वह कहते हैं :----

"Thy word is a lamp unto my feet and light unto my path".

अन्त में मैं गांधी जी का नाम इनवोक करता हूं। उनका स्मरण करता हूं क्योंकि उन्होंने हमारे दुःख को समझा था, आप उस रूप में नहीं समझ सके हैं। आप भंगी की शक्ति के बारे में समझें। आप भूत जगा सकते हैं, पर भगा नहीं सकते, यह भंगी का काम है----

"We know how to exercise the ghost".

भंगी की शक्ति झाड़ू में है। आज भी भंगी की झाड़ू के नीचे, भंगी की नीम की टहनी के नीचे अनेक हिन्दू औरतें और बच्चे झाड़ा लगवाते हैं। वह "काली कलकत्ते वाली, दोनों हाथ बजावे ताली" का मंत्र पढ़ कर उन हिन्दू औरतों और बच्चों का भूत भगाता है। आज उसी भंगी को नीचा दिखाया जाता है।

मैं कहता हूं, मैं दावा करता हूं कि देश में भंगी ही क्रान्ति करेंगे। मैं आज उनकी क्रान्ति चाहता हूं। आज भंगी किसी प्रकार से दबने वाले नहीं हैं। लेकिन मुश्किल तो यह है कि देश के अन्दर पोलिटिकल पार्टीज में हम लोगों के संघर्ष को लेकर एक नई और राजनैतिक रूप धारण करने वाले सुशामादियों की अछूत जाति बनती जा रही है, जिनकी वजह से हमें विफल

[श्री बाल्मीकी]

होना पड़ता हैं । मैं तो कहता हूं कि इस देश की बात सोचो, देश के बारे में विचार करो, मैं अपने देश के लोगों से कहना चाहता हूं, कि वे गांधी जी के शब्दों को न भूलें । मैं गांधी जी का इस मंत्र द्वारा आह्वान करता हूं :

"आविर्वर्तो न आगहि परातश्चथ्त्रहन्
इमा जुषश्व नो गिरः ।"

आ, सुन हमारी पुकार, और जहां तू सुने वहां से दौड़ा चला आ । आज हमारी दुःखभरी पुकार यह हुकूमत नहीं सुनती, यह मेम्बर नहीं सुनते, यह देशवासी नहीं सुनते, तू सुन । एक न एक दिन गांधी को स्वयम् आना पड़ेगा । हमारी क्रान्ति गांधी के नाम पर होगी, हमारी क्रान्ति कान्स्टट्यूशन के नाम पर होगी और हमारी क्रान्ति उस वेलफेअर स्टेट के नाम पर होगी जिस ने यह बिल यहां पर रक्खा हैं । यह बिल कामयाब होगा, हमारी दुआयें हैं, लेकिन मैं कहना चाहता हूं कि आप ने हम को बहुत पीछे हटा दिया हैं । मैंने सारे देश में जाकर उनकी दुर्दशा को देखा हैं । आप जरा सोचिये, आन्ध्र के रेली, जो कि वहां के भंगी हैं, केरल के थोटी, मैसूर के झाड़माली और उत्तरी भारत के चूहेड़, भंगी और मेहतर जो हैं उनको इतना छेंका गया हैं, इतना अलग रक्खा गया हैं कि उन्हें अपनी हालत का अहसास भी नहीं हैं । उन की हीन दशा का कोई ठिकाना नहीं हैं । आज सवर्ण लोग उन की दशा को महसूस नहीं करते हैं । उनके सिर पर आज इतना अछूतपन छाया हुआ हैं कि उस की याद कर के ही रूह कांप उठती हैं । मैं दो दिन से सब बातें सुन रहा हूं । लेकिन चुप था । मैं आज गांधी जी को नमस्कार करता हूं, मैं फिर कबीर, नानक आदि अन्य संतों को याद करता हूं, और उन के नाम पर आज जितने मेम्बर यहां बैठे हुए हैं, वह चाहे हिन्दू, मुसलमान, ईसाई कोई भी हों, उन सब से यही कहता हूं कि वह इस बिल को पास करके जब जायें तो मुंह से यह रट लगायें :

"हरि का भजै सो हरि का होई,
जाति-पांति पूछै नहिं कोई ।",
"हरि का भजै सो हरि का होई,
जाति-पांति पूछै नहिं कोई ।",

इसी मंत्र का उच्चारण और उस पर अमल करना शुरू कर दें । इन्हीं शब्दों में सदियों से हमें बल तथा प्रकाश मिला हैं । तभी हमारा भला हो सकता हैं । सिर्फ ला बनाने से ही हमारा काम नहीं चलेगा । हमें चाहिये सहिष्णुता, हमें चाहिये सहृदयता । मैं कोई कटुता नहीं चाहता। मैं तो ऋग् वेद के इस छोटे से वाक्य को ही सदा से अपना आदर्श मानता रहा हूं कि :

"वाचं वदत भद्रयाः"

अर्थात् हम सदा प्रेम भरे और मधुर शब्द ही बोलें । मीठे शब्द बोलें । मैं कोई भी कटुता नहीं चाहता हूं। मैं ने कभी भी "भुस में आग लगाये जमालो दूर खड़ी" वाली बात पर चलना नहीं सीखा । मैं देश का भला चाहता हूं । हमें किसी प्रकार भी देश की उन्नति में बाधक नहीं होना चाहिये । मैं कहता हूं कि हमारे देशवासी हमें ऊपर उठायें ।

यही मेरा एमेन्डमेन्ड हैं मैं आशा करता हूं कि मंत्री जी इस को स्वीकार करेंगे ।

Shri Velayudhan: I shall take only two minutes. In regard to my amendment, I would say that it is just the same as amendment No. 124 in effect. The word 'only' is appearing not only in clause 3, but in clause 4 also.

Mr. Chairman: Then no arguments are needed on this point.

Shri Velayudhan: I believe that Government are going to accept this amendment to omit 'only' from this clause also, because the hon. Home Minister had the kindness to accept my amendment to the previous clause. So, I do not want to speak anything more on this.

पंडित ठाकुर दास भार्गव : मैं सब से पहले बनाव की इजाजत से कान्स्टट्यूशन की दफा

१५ की तरफ श्री साधन चन्द्र गुप्त का ध्यान दिलाऊंगा कि उस के अन्दर किस हद तक उन के एंतराजात का जवाब दिया गया हैं । यह तो सिर्फ अनटचेबिलिटी रिमूवल बिल हैं । उन के जो एंमेन्डमेन्ट हैं वह इस के मुताल्लिक रिलेवेन्ट नहीं हैं । वह कान्स्टट्यूशन के अन्दर रेलेवेन्ट थे । मैं ने तीन एंमेन्डमेन्ट इस वास्ते पेश किये हैं : १०१, १०२ और १०३ । एंमेन्डमेन्ट नं० १०४ के मुताल्लिक मैं कुछ कहना नहीं चाहता क्योंकि हाउस ने अपना फैसला इस के मुताल्लिक दे दिया हैं । लेकिन मैं यह समझने से कासिर हूं कि इन अल्फाज के क्या माने हैं । जो इस के अन्दर सब्स्टैन्टिव पार्ट हैं.....

Shri Sadhan Gupta: I may point out that article 15 of the Constitution relates to discrimination by the State against any individual on grounds of caste.

Pandit Thakur Das Bhargava: But that relates to the Fundamental Rights which have been given to every citizen, by virtue of which everyone is entitled to go to any public places, bathing ghats, etc.

The wording of this clause is:

> "Whoever on the ground only of 'untouchability'—
>
> (a) enforces against any person any disability"

I for one do not understand fully the implications of these words 'enforces any disability'. I know these words have not been used in any other Act in any other place; but I do not claim to know much of law; at the same time I know that the word 'force' has been defined in section 349 of the Indian Penal Code. I do not want to take up the time of the House by readig that. But anyhow, the use of force by itself is not an offence. The use of criminal force is an offence; and criminal force has been defined there. But here the words 'criminal force' are not there, and in fact even the words 'use of force' are not there. The wording here is simply 'enforces any disability'. Does it mean any physical act? Does it mean any act? What does it mean? I can understand a person not being allowed to use or have access to any rivers, streams, springs, etc., or his being obstructed in his access to any shop or public restaurant etc. But I cannot understand what the meaning of these words 'enforces any disability' is.

I would very much like that we should be more legal here, and we should use only those words, the precise meaning of which we know. I would therefore urge that instead of the words 'enforces any disability', which have got practically no interpretation in law so far as the Indian law reports are concerned, it will be better if we use the words 'prevents any person from exercising any right' or 'obstructs any person', which we have used in clause 7. If you see clause 4 and clause 7, you will see that they overlap. As a matter of fact, the same kind of acts are made offences in both. I therefore submit with all the force at my command that instead of using the words 'enforces any disability', we ought to use the words 'prevents' or 'obstructs', which words are quite well-known and have been used in many other sections of the Indian Penal Code.

Another point which I would like to submit is with regard to subclause (a) (vii) of clause 4, which reads:

> "the construction, aquisition, or occupation of any residential premises in any locality, whatsoever;"

What do these words mean? Taking it as an offence, I do not know how to guard against it.

Even the case of any person sitting on his own ground or sitting in his own house, or exercising his own powers of ownership or rights of ownership, will come under it, unless you further say 'unless the person whose rights are sought to be invaded

[Pandit Thakur Das Bhargava]

owns that land'. I therefore want to add after the word 'whatsoever', the following words:

> "on any land or building where the complainant has the right to construct, acquire or occupy, as the case may be".

Otherwise, any member of the Scheduled Castes may come to my house and say, I will reside here, I will build my house on this land, and so on. Will I not be able to resist it? Or will it be considered as an offence if I resist that, that it is only on the basis that he is a member of the Scheduled Castes that I am doing so? This is too much really. Unless and until you qualify the words used here in some manner, this would be meaningless, and this will open the floodgates of all kinds of litigation.

Similarly in clause 4 (b) also, we have the words:

> "compels any person to dig a grave, or remove a carcass.".

What is this compulsion? I can understand compulsion by force. But I cannot understand what is meant by compelling a person to dig any grave. Supposing a person orders a man to do that or requests him to do that, will it be considered an offence?

An Hon. Member: Moral pressure.

Pandit Thakur Das Bhargava: What is this moral pressure? It may be confined in that case only to intentions or to anything in my brain. Supposing a person pays a man Rs. 5 for digging a grave, and he tells him, all right, you dig a grave, it has been your business for a long time.....

Shri Veeraswamy: Only the Scheduled Caste people are compelled to do it; Why not the caste Hindu people do these works?

Mr. Chairman: Order, order. The hon. Member should be allowed to proceed uninterrupted.

Pandit Thakur Das Bhargava: Then again the words are:

> "to dig a grave, or remove a carcass"

You know that in the whole of the Punjab, it is the Scheduled Caste people who remove the carcasses of animals etc., and they are paid in kind for that service. I can understand my hon. friend saying that they should not be forced. I do not want that they should be forced to serve in that manner and do that service. They may or may not do it.

An Hon. Member: It is not a service at all. (*Interruptions*)

Pandit Thakur Das Bhargava: I know what is happening in this part of Delhi. Hides and skins worth several lakhs of rupees are buried in the ground. We are all anxious that this source of revenue should not be sealed for our brothren of the Scheduled Castes. We want that the manner and method of work may be improved, and anything by way of improvement may be done in that regard but we do not want that profit may through sheer cussedness be denied for ever to them. If they want to do this service, they can do it. Otherwise they need not do it. I do not want that they should be forced to do it. But if you make it an offence and say as they demand that every villager who asks them to remove a carcass will come under it, even though those people are willing and they are given consideration for it, then that is something to which I cannot agree. I beg of you and the hon. Minister in charge to kindly consider all these three points and make the necessary amendment. Otherwise, my fear is that though we may mean well we will still be putting some person in unnecessary trouble. The amendments are 101, 102 and 103.

Shri Dhuleker: Clause (b) says:

> "compels any person to dig a grave, or remove a carcass or beat *pariah* drums or convey the news of death of any person;"

मेरी अर्ज है कि इसमें रखी गई दो तीन बातों के बारे में गवर्नमेंट को फिर से थोड़ा बहुत विचार कर लेना चाहिए। आज जेलखानों में यह स्थिति है कि जब कभी कैनिंग का हुक्म होता है, तो भंगी को कम्पैल किया जाता है कि वह इस काम को करें। यह बात हिन्दुस्तान भर में फैली हुई है। हिन्दुस्तान में जितने जेलखाने हैं, उन में भंगी को यह काम करना पड़ता है, क्योंकि जेलर और सुपरिन्टेन्डेन्ट यही हुक्म देते हैं कि किसी दूसरी जात वाले से यह काम न लिया जाय। जहां तक "डिगिंग आफ गूब्ब" का सम्बन्ध है, कुम्हार वगैरह इस काम को कर देते हैं।

मैं प्रीवियस स्पीकर को स्पोर्ट करता हूं कि सारे हिन्दुस्तान में म्यूनिसिपल बोर्ड्ज, पंचायतें और टाउन एरिया कमेटीज पाखाना उठाने का काम भंगियों से कराते हैं। तमाम स्टेट्स में बहुत से ऐसे कानून बने हुए हैं, जिनके अनुसार पाखाना उठाना भंगियों का एक तरह का हक समझा जाता है और एक तरह का फर्ज भी समझा जाता है। वे चन्द मकानात के बारे में कहते हैं कि हम इनको "कमाते" हैं। उनको वे मकानात "कमाने" पड़ते हैं। इसका मतलब यह है कि वे यह काम करने के लिए मजबूर किए जाते हैं। अगर वे पाखाना "झाड़ने" से इन्कार करें, तो वह शख्स, जो कि उनका "किसान" कहलाता है, मजिस्ट्रेट के यहां दरख्वास्त दे देता है और उस दरख्वास्त पर कार्यवाही की जाती है, उस पर हुक्म होता है और सजा भी हो जाती है। मैं समझता हूं कि जब तक हिन्दुस्तान में इस किस्म के कानून हैं जिनके अनुसार म्यूनिसिपल बोर्ड या पब्लिक के कोई आदमी किसी शख्स पर यह जबर कर सकें और उसको मजबूर हो कर पाखाना "झाड़ना" पड़े, तब तक यह अनटचेबिलिटी आफेन्सेज बिल ज्यादा फायदेमन्द नहीं हो सकता है। इस लिए मैं अर्ज करूंगा कि इस दोष को सुधारने की जरूरत है और मैं गवर्नमेंट से उम्मीद करता हूं कि चाहे देर से ही सही, लेकिन वह इस बारे में अवश्य अमेंडमेंट्स लाए। उसको अपने लाज को फिर से देखना चाहिए। उत्तर प्रदेश में म्यूनिसिपल एक्ट के अनुसार जो लोग इस तरह का काम करने वाले हैं, अगर वे इसे करने से इन्कार करें, तो उन पर जुर्माना कर दिया जाता है।

इस बिल में जरा आगे चल कर एक क्लाज "आफेन्सेज बाई कम्पनीज" है। मैं यह कहना चाहता हूं कि कम्पनीज की बात तो मामूली है, हमारे म्यूनिसिपल बोर्ड, पंचायतें और टाउन एरिया कमेटीज हमेशा इस बात को देखते हैं और उन लोगों को मजबूर करते हैं कि वे सिर पर पाखाना उठायें और इस लिए उन्हें गाड़ियां नहीं देते हैं। मैं समझता हूं कि यह भी एक आफेन्स होना चाहिए कि चूंकि वे जात के भंगी हैं, इस लिए उनको गाड़ियां न दी जायें और उन्हें मजबूर किया जाय कि वे पाखाना "झाड़" कर डालियों में सिर के ऊपर रखें। गवर्नमेंट को इस तरफ भी ध्यान देना चाहिए और ऐसे बोर्ड्स कम्पनीज और कार्पोरेशन्ज के इस प्रकार के नियमों और कानूनों को गैर-कानूनी करार दे दिया जाय।

इन शब्दों के साथ मैं अर्ज करना चाहता हूं कि उस अमेंडमेंट को हटा दिया जाय, जिसमें फिल्थ रीमूव करने इत्यादि का जिक्र है :

Pandit Thakur Das Bhargava: May I know from you Sir, whether the words, enforces against any person any disability with regard to the practice of any profession or the carrying on of any occupation, trade or business in (iii) does not come under it? Supposing a *bhangi* is forced to practice the profession, will it not come under this (iii)?

Mr. Chairman: I am calling upon Shri Jangde.

Shri Jangde: Sir, my amendment is. In page 3,—

(i) line 31, *add* at the end 'or'

(ii) after line 31 *add*:

"(c) having invited a group of persons to a tea party or a light refreshment or to a dinner, excludes a person, who is a member of such group, with the willing consent of that group, from joining the same, or refuses to admit him".

मेरे कहने का मतलब यह है कि जब कभी बहुत से कार्यकर्ताओं का समूह किसी गांव में पहुंचता है---ऐसा अक्सर देहात में ही होता है---तो वहां का कोई भला आदमी उस सारे के सारे ग्रुप को कहता है कि हमारे वहां जल-पान कर लीजिए या भोजन कर लीजिए या रात का भोजन कर लीजिए। लेकिन जब उसको मालूम होता है कि उस ग्रुप में कोई आदमी हरिजन भी है, तो उसको वह भोजन इत्यादि पर नहीं बुलाता है और इस तरह उस के प्रति डिस्क्रिमिनेशन और भेद-भाव का व्यवहार करता है। मुझे मालूम है कि भूदान कार्य के बारे में मैं एक बार अपनी कांस्टीच्युएन्सी में गया था। वहां पर पी० एस० पी० के एक लीडर ने यह जान कर कि मैं हरिजन हूं, मुझे अपनी पार्टी में शामिल नहीं किया। वह श्री शंकर राव देव को तो ले गए, लेकिन मुझे नहीं ले गए। यह बात मनुष्य के आत्म-गौरव के खिलाफ है और डिस्क्रिमिनेशन है। ऐसा कार्य करने वाले व्यक्तियों को अवश्य ही दंड मिलना चाहिए। यह बात किसी भी सैक्शन में शामिल नहीं है, इस लिए मैं ने यह अमेंडमेंट रखा है कि जो भी व्यक्ति या संस्था इस तरह का बर्ताव करे, उसको दंड मिलना चाहिए। यही मेरी अमेंडमेंट का मतलब है।

Shri N. Rachiah: Sir, my amendments are 63, 64, 65, 69 and 70. With regard to 63, I wish to state that for *'musafirkhana'* the words, *'math, musafirkhana* or any other place' be substituted.

Before I make any observations about it, I must say I am very grateful to the Government for having accepted the amendment of Shri Velayudhan to omit 'only'. The Home Minister was kind enough to accept it already and I hope that he will omit it wherever it occurs.

With regard to the punishment for enforcing social disability, I want to say that no amount of punishment will do for the criminal atrocity committed by Caste Hindus against Harijans so far. As I have already said, we the members of the Scheduled Castes particularly do not want any caste Hindu to be punished, because, as a matter of fact, all these years we have been more tolerant and we have been very honest and faithful to the caste Hindus and the caste Hindus exploited our honesty and unselfishness. With regard to the punishment, I can only say that even transportation for life is nothing if anybody observes untouchability because it is negation of the freedom of Harijans in this land of ours.

I am very grateful to Gandhiji, our Prime Minister and also the late Sardar Patel; they were very very kind towards the down-trodden people and as such they introduced article 17 in the Constitution and abolished untouchability. If there is any person who goes against this constitutional provision, it means that he is anti-national. He will be going against the Constitution.

A punishment of a fine of Rs. 500 or six months' imprisonment is nothing. We do not want anybody to be punished if he is at least conscious of the rights of others as his own: if every individual or citizen is respected with human value, we do not want anybody to be punished.

One or two words more and I will close. With regard to religious *maths* I want to say that it is only the religious *maths* which are very dangerous to democracy. In my part of the country it is not the masses of our Hinu Community that are

particular about this except the religious orthodox persons. Religious people must be always religious in their attitude; they must treat all people alike. But, they have gone into social matters and they have also entered into the political field. They dictate everything in the name of religion and harass poor people. Unless these things are dealt with properly, by our Government, I think democracy would not be safe. That is why I insist that religious *maths* should also be included. Even today, our Chief Minister has appealed to the head of the Sringeri *math* to throw open his temple to Harijans. Every other temple is open. Only the Jain temple in Sravanabelagola and the Sringeri *math* have not been opened to the untouchables. Years have passed. Shall we not as true Hindus and human beings enter those temples? We have every right to do so as Hindus. When such things are prevented by heads of religious *maths*, those people must be severely dealt with. Even today, a man with a *kavi* cloth is more honoured than a Minister or an officer. This must stop in democracy. Now, with regard to.....

Mr. Chairman: Even after the Chair has asked the hon. Member to finish, he is making new points and going to other points.

Shri N. Rachiah: Now, with regard to the observations of my hon. friend, why should anybody be compelled to dig a grave or remove a carcass? If one compels somebody, why should he not be punished? If anybody does anything and if he is ill treated for doing such work and condemned as inferior, what should be done to him? If everybody does his work will a feeling of dignity of labour, all these things would not happen at all. It only requires an awakening in the minds of the caste Hindus so that the others also may be brought to a higher level by way of giving proportionate representation in the services and Government land, at least from now. All these years, the upper classes have enjoyed monopoly of everything. Now, what we need must be given to us to avoid clash and bitterness.

Mr. Chairman: The hon. Member's speech shall be deemed as concluded now.

Shri S. L. Saksena: I have an amendment in regard to the word 'only'. Much has been said about it and I need not repeat all that now.

Mr. Chairman: Has the hon. Member indicated that amendment to the office?

Shri S. L. Saksena: Yes. It is No. 128.

Shri Valayudhan: It is the same as mine; it has been accepted by the hon. Home Minister.

Shri S. L. Saksena: Then, my next amendment is No. 130, which says that after line 31 another sub-clause may be added. I am very glad that in this clause the various disabilities have been enumerated. I think one more should be added. This additional clause is important. It is very common that when a high caste person passes through the street and a Harijan is sitting on a cot, he must stand up at once. If he does not get up, he will be thrashed. Similarly, if a bridegroom is going in a palanquin and if there are high caste persons there, he must get down. There have been many riots on this account. This must also be included in this clause.

I would like to lay particular stress on para (iv) of sub-clause (2), the use of or access to any river, stream, spring, well, etc. It is really a sad thing that even now, after 7 years of Independence, there are millions of people who cannot get water from the common taps The *bhangis* cannot simply take water from any taps or wells. I was surprised and shocked to find that in not a single village in my constituency were these *Bhangi* untouchables

[Shri S. L. Saksena]

allowed to take water from the wells. If they try to do that, the people are ready to use force. I told them that they would be prosecuted because it is a crime. They say that they will not allow this drawing of water from wells to harijans, Bill provides for punishing such people. happen what may. I am glad that this Besides punishment, I suggest that something more should be done. Punishment alone would not do. Government must see that a survey is made in the whole country as to the extent Harijans can get water from the wells.

Mr. Chairman: The hon. Member may suggest these things during the third reading. For the present, we are confined to the amendments. The hon. Minister.

Shri M. B. Vaishya (Ahmedabad—Reserved—Sch. Castes): I have amendment No. 144.

Mr. Chairman: The hon. Member stands after I have called the Minister. I looked round and as I did not see anybody standing, I have called the hon. Minister.

Shri Pataskar: With respect to the various amendments moved, there is one which stands in the name of Shri Kasliwal, amendment No. 9, by which he wants to add one more clause under sub-clause (a) of clause 4: "the use of jewellery and finery on such ceremonial occasions, or". I do not understand how the word 'such' has been put in there. Probably, it is a slip. I would accept, "the use of jewellery and finery on ceremonial occasions". 'Finery', I have ascertained, includes many things. Various suggestions have been made because some people take objection if the untouchables use these things on ceremonial occasions. If we use the word 'finery', it may include silk clothes and some other similar things.

Shri Kasliwal: Yes.

Shri Pataskar: With the deletion of the word 'such' I might accept this amendment.

There is sub-clause (b) which is an important matter. Several Members have given notice of many amendments. I do not know how this subclause itself finds a place in this Bill. It refers to compelling a persons to dig a grave or remove a carcass or beat *pariah* drums or convey the news of death of any person. Whatever it is, there are amendments suggesting that this list should be added to. I have full sympathy for those who might be suffering like this and wherever such a thing is done, it must be prevented. There is no doubt about that. This list is not exhaustive. I would like to explain my difficulty to the hon. Members. In the Constitution itself, in article 23, we have said,

> "Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

There is also section 374 of the Indian Penal Code which lays down that enforced labour whethed in connection with untouchables or touchables is made punishable. *Begar* is punishable. I do not know why in this Bill which is brought forward only to prescribe punishments for untouchability offences, this provision should come in at all. I am afraid the Joint Committee has missed the point. I do not want to be misunderstood that I am trying to do here something which will not be in the interests of the untouchables. There may be sentimental grounds. We are trying to introduce something here which has no place so far as this Bill is concerned. In the next place, it is already an offence under the Indian Penal Code under section 374. My hon. friend Shri Dhulekar referred to some provisions in the U. P. Municipalities Act. He did not exactly point out and I am unable

to see what those provisions are. Any provision anywhere in India that is inconsistent with this article in the Constitution is absolutely void. The article is specific and clear. It is illegal. I do not know what the people are doing there.

Shri Dhulekar: Compelling a person to remove night soil or filth may come within the purview of this Bill. Compelling a person to dig a grave may be forced labour. The provision will be, whoever on the ground of untouchablity is compelled to remove etc. An ordinary man is never compelled to remove night soil. Will the hon. Minister accept that?

Shri Pataskar: I think I have not been able to make it clear. My hon. friend will realise that any forced labour against anyone, whether he is touchable or untouchable, is prevented and is against the provisions of the Constitution, and it is made punishable under section 374 of the Indian Penal Code. In practice, it may be—I am not aware of it—that in some places this was being done. But whether it is night soil removal, or digging of a grave or removing a carcass or beating of drums, all that is not only against the Constitution but punishable under section 374 of the Indian Penal Code. This is a common thing. Nobody can be compelled to do it. So I am inclined to accept the view that sub-clause (b) has no place in this Act and it should be deleted.

Shri Veeraswamy: I endorse the view of the hon. Minister...

Mr. Chairman: No arguments are required now and no endorsement of what the hon. Minister has said is called for.

Dr. Ram Rao: May I point out a flaw in the amendment which the Minister has accepted regarding jewellery etc.? It says 'Whoever prevents the use of jewellery and finery on such ceremonial occasions' will be punished. The word 'such' should be omitted. Then it would read—whoever prevents the use of jewellery and finery on ceremonial occasions will be punished. Otherwise, it will mean that whoever prevents the use of jewellery and finery on other occasions will not be punished.

Shri Pataskar: I am prepared to accept it without any qualification. I thought they were used only on ceremonial occasions. If it is extended, I do not mind.

Shri Velayudhan: There is not much weight in that.

Mr. Chairman: The hon. Minister is inclined to accept amendment No. 9, and none other perhaps.

Shri Velayudhan: No. 128, as regards deletion of 'only'.

Mr. Chairman: The word 'only' has been omitted from clause 3. No. 128 is also accepted.

Shri Pataskar: Yes.

Mr. Chairman: Now I will put all the other amendments to the vote of the House together.

Shri Pataskar: May I beg leave to move at this stage that sub-clause (b) be omitted?

Shri Barman: Let the Government amendment be moved.

Shri Kakkan (Maduraie—Reserved—Sch. Castes): It is better that it is kept because especially in South India...

Mr. Chairman: That would be for the hon. Members to decide, whether they want to delete it or to keep it.

Shri Kakkan: It must be kept.

Mr. Chairman: He may vote against it or in favour of it. That is the only remedy.

Shri Velayudhan: Government accept it.

Mr. Chairman: Is the verdict coming from that side?

Shri Pataskar: I beg to move:

In page 3, *omit* lines 29 to 31.

Mr. Chairman: The question is:

In page 3, *omit* lines 29 to 31.

The motion was adopted.

Mr. Chairman: I will now put amendment No. 9, as modified at the suggestion of Dr. Rama Rao and accepted by Government, *i.e.*, omitting the words "on such ceremonial occasions". The question is:

In page 3, line 28, *insert* "(xi) the use of jewellery and finery; or"

The motion was adopted.

Mr. Chairman: I shall now put No. 128. The question is:

In page 2, line 33, *omit* "only".

The motion was adopted.

Mr. Chairman: The question is:

(i) In page 2,—

(a) Lines 32 and 33, *for* "on the ground only of 'untouchability' *substitute* "on the ground of any person being untouchable".

(b) line 35, *for* "any person" *substitute* "such person".

(ii) In page 3, line 29, *for* "any person" *substitute*, "such person".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, *for* lines 35 and 36, *substitute*:

"(a) prevents or obstructs—"

The motion was negatived.

Mr. Chairman The question is:

In page 2, lines 40 and 41, *for* "or *musafirkhana" substitute "musafirkhana* or any other place".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 40 and 41, *for* "or musafirkhana", *substitute* "mutt, musafirkhana or any other place".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 41 to 43, *for* "or of persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person" *substitute* "or any section thereof".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, lines 3 to 6, *for* "or persons professing the same religion or belonging to the same religious denomination or any section thereof as such person" *substitute* "or any section thereof".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, *for* lines 10 to 12, *substitute* "or any section thereof; or".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 14, *after* "trust" *insert* "or a religious mutt".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 21, *after* "whatsoever" *insert* on any land or building where the complainant has the right to construct acquire or occupy, as the case may be".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 22, *after* "Sarai" *insert* "mutt".

The motion was negatived.

Mr. Chairman: The quesion is:

In page 3, lines 23 to 25, *for* "or to persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person;" *substitute* "or to any section thereof".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 29, *after* "compels" *insert* "by force".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, after line 31, *add*:

"(c) compels any person to get down from his 'cot' or 'palanquin', or 'horse' before high caste persons;"

The motion was negatived.

Mr. Chairman: The question is:

In page 3, *for* lines 32 to 34, *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 29, *after* "person" *insert* "to render any free service".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, lines 32 and 33, *for* "six months" *substitute*:

"three years and shall be not less than one year".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 33, *after* "months" *insert* "but not less than three month".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, lines 33 and 34, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 33, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 29, *after* "to" *insert* "build a bier, or".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 30, *omit* "*pariah*"

The motion was negatived.

Mr. Chairman: The question is:

In page 3, *after* line 31, *add*:

"(c) compels any person to scavenge, remove filth, rubbish and leaves etc. on which food may have been served;

(d) compels any person to call him as chowdhari, malik or swami."

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 33, *for* "five hundred rupees" *substitute* "one thousand rupees".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, —

(i) line 31, *add* at the end 'or'

(ii) after line 31 *add*:

"(c) having invited a group of persons to a tea party or a light refreshment or to a dinner, excludes a person, who is a member of such group, with the willing consent of that group, from joining the same, or refuses to admit him".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, *after* line 28, *add*:

"(xi) the use of ornaments and jewellery on ceremonial occasions; or"

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 29, *after* "carcass" *insert* "nightsoil, filth or rubbish".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 4 as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5.— (*Punishment for refusing to admit persons to hospitals, etc.*)

Mr. Chairman: The amendments indicated so far are Nos. 85, 105, 72, 134, 106, 73, 12, 13, 74.

Shri Veeraswamy: I beg to move:

In page 3,

(i) line 36, *omit* "on the ground only of untouchability".

(ii) line 37, *after* "person" *insert*: "belonging to any scheduled caste or any other community hitherto considered as untouchable."

Shri N. Rachiah: I beg to move:

(i) In page 3, line 37, *after* "person" *insert*:

"belonging to any scheduled caste or any other caste subject to such social disability or inequality".

(ii) In page 3, line 38, *after* "institution" *insert* "mutt".

Shri S. L. Saksena: I beg to move:

In page 3, line 41, *for* "or any section thereof; or" *substitute*:

"or for the benefit generally of persons belonging to the same religious denomination or to the same section thereof as the person who has been refused admission; or".

Pandit Thakur Das Bhargava: I beg to move:

In page 3, *for* lines 44 to 46 *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

Shri N. Rachiah: I beg to move:

In page 3, lines 44 and 45, *for* "six months" *substitute*:

"three years and shall be not less than one year".

Shri Khardekar: I beg to move.

(i) In page 3, line 45, *after* "months" insert "but not less than three months".

(ii) In page 3, lines 45 and 46, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property".

Shri N. Rachiah: I beg to move:

In page 3, line 45, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

Mr. Chairman: I shall now put all these amendments to the vote of the House. The question is:

In page 3,

(i) line 36, *omit* "on the ground only of untouchability".

(ii) line 37, *after* "person" *insert*:

"belonging to any scheduled caste or any other community hitherto considered as untouchable."

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 37, *after* "person" *insert*:

"belonging to any scheduled caste or any other caste subject to such social disability or inequality".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 38, *after* "institution" *insert* "mutt".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 41, *for* "or any section thereof; or" *substitute*:

"or for the benefit generally of persons belonging to the same religious denomination or to the same section thereof as the person who has been refused admission; or".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, *for* lines 44 to 46 *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, lines 44 and 45, *for* "six months" *substitute*:

"three years and shall be not less than one year".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 45, *after* "months" *insert* "but not less than three months".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, lines 45 and 46, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 45, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

The motion was negatived.

Mr. Chairman: I shall now put the clause to vote.

Shri Sadhan Gupta: What about dropping 'only' so far as this clause is concerned?

Shri Velayudhan: Yes, the word 'only' is there. I have put in my amendment No. 133. Shall I move it now?

Mr. Chairman: But the hon. Member did not stand up when I indicated the amendments which were sought to be moved.

Shri Velayudhan: No, Sir, the hon. Home Minister had agreed to the removal of 'only' wherever it occurred.

Pandit Thakur Das Bhargava: It is only logical that this word 'only' should be removed.

Mr. Chairman: I do appreciate it. I hope the hon. Minister accepts it. In that case, he can move it now.

Shri Pataskar: Yes.

Shri Velayudhan: I will now formally move it.

I beg to move:

In page 3, line 36, *omit* "only".

Mr. Chairman: The question is:

In page 3, line 36, omit "only".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5 as amended was added to the Bill.

Clause 6.—(*Punishment for refusing to sell goods or render services*)

Mr. Chairman: The amendments indicated so far are, Nos. 87, 107, 108, 76, 15, 35, 77 and 148.

Shri Veeraswamy: I beg to move:

In page 3,—

(i) line 48, *omit* "on the ground only of untouchability".

[Shri Veeraswamy]

(ii) in page 4, line 1, *after* "person" *insert*:

"belonging to any scheduled caste or any other community hitherto considered as untouchable".

Shri N. Rachiah: I beg to move:

In page 4, line 1, *after* "person" *insert*:

"belonging to any scheduled castes or any other caste subject to such social disability or inequality".

Pandit Thakur Das Bhargava: I beg to move:

In page 4 lines 4 to 6, *for* "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both" *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

Shri N. Rachiah: I beg to move:

In page 4, line 5, *for* "six months" *substitute*:

"three years and shall be not less than one year".

Shri Khardekar: I beg to move:

In page 4, lines 5 and 6, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property".

Shri P. N. Rajabhoj: I beg to move:

In page 4, line 6, *for* "five hundred rupees" *substitute* "one thousand rupees".

Shri N. Rachiah: I beg to move:

In page 4, line 6, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees"

Mr. Chairman: All these amendments are now before the House. There is no question of 'only'?

Pandit Thakur Das Bhargava: Yes, it is there in line 2 of the clause.

Mr. Chairman: Is there any amendment?

Shri Velayudhan: It was already accepted by the Home Minister that wherever the word 'only' occurred, it would be dropped.

Mr. Chairman: If we say wherever it occurs, perhaps the word 'only' may have been used in a different context.

Shri Pataskar: We have accepted in principle to omit the word 'only'. So let him point out in each clause, and that will be done.

Mr. Chairman: I also think that it should be pointed out in every clause, because perhaps the word 'only' might have been used with a different meaning as well in some other place.

Shri Velayudhan: I beg to move:

In page 3, line 48, *omit* "only".

Mr. Chairman: If it is used in that sense, then I will put to vote. The question is:

In page 3, line 48, *omit* "only".

The motion was adopted.

Shri Jangde: My amendment reads thus:

In page 4, *after* line 6, *insert*:

"6A. Whoever on the plea that he has discontinued selling any goods or rendering any service, refuses to sell any goods or to render any service to any person, on the same terms and conditions, at or on which such goods are sold or services are rendered to other persons in the ordinary course of business and if after some time he resumes selling such goods or rendering such services, shall be deemed to have refused to sell such goods or to have refused to render such service on the ground

of untouchability only and shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both."

सभापति जी, मेरा संशोधन जो मैंने अभी पढ़ा वह आवश्यक हैं और उसके सम्बन्ध में मेरा निवेदन हैं कि नाई आदि दूसरे अन्य लोगों को सुविधाएं या सेवायें देते हैं और उनके पास कोई दुकानें नहीं हैं । नाई लोग घर घर जाकर लोगों की हजामत करते हैं और सेवा करते हैं, मैंने देखा हैं कि जब कभी कोई हरिजन उनसे सेवा, हजामत कराना चाहता हैं, हरिजन के घर काम करना होता हैं तो नाई कह देते हैं कि हमने अपना वह पेशा या धंधा खत्म कर दिया हैं, बंद कर दिया हैं और ऐसा कह करके वह हरिजनों को सर्विस नहीं देते । उदाहरण के लिए मैं आपको बतलाऊं कि नाई के पास एक हरिजन जाकर कहता हैं कि भाई मेरी हजामत बना दो तो नाई उसको यह कह देता हैं कि भाई मैंने अपना धंधा बंद कर दिया हैं और हमने देखा हैं कि थोड़े दिन बंद रखने के बाद महीने दो महीने बाद वह अपना धंधा फिर चालू कर देता हैं, ऐसा बहाना बंद करने का वह सिर्फ हरिजन की हजामत या बाल न बनाने के लिए बनाता हैं और ऐसे केसेज के लिए जहां कि सिर्फ भेद-भाव और छुआछूत के कारण वह नाई हरिजन की हजामत नहीं बनाता और कहता हैं कि भाई मैंने अपना यह धंधा बंद कर दिया हैं और उसका काम करने से इंकार कर देता हैं और थोड़े दिन के बाद फिर अपना काम चालू कर देता हैं, ऐसे लोगों को मेरा संशोधन चाहता हैं कि उन्हें अस्पृश्यता बर्तने का अपराधी माना जाय और कानून द्वारा उन्हें इस अपराध के लिए दंडित किया जाय । उसके इस तरह आचरण करने का साफ मतलब यह होगा कि वह हरिजनों से छुआछूत बर्तता हैं और इसी कारण कुछ दिनों के लिए अपना काम बंद कर देता हैं और थोड़े दिन बाद फिर अपना धंधा चालू कर देता हैं और मेरे संशोधन में यह चाहा गया हैं कि उसको इस अपराध के लिए सजा दी जाय । इस अमेंडमेंट को हमारे माननीय मंत्री का स्वीकार कर लेना चाहिए । बस इतनी ही मेरी उनसे विनय हैं ।

Pandit Thakur Das Bhargava: Are there not other amendments too?

Mr. Chairman: He is perhaps referring to clause 7. **The hon. Member** who spoke just now has spoken on No. 89.

Shri Patasker: That amendment is not an amendment to clause 6 at all. It seeks to introduce a new clause 6-A.

Mr. Chairman: Exactly. I shall now put only the amendment Nos. 87, 107, 108, 76, 15, 35 and 77 to vote.

The question is:

In page 3,—

(i) line 48, *omit* "on the ground only of untouchability".

(ii) in page 4, line 1, *after* "person" *insert*:

"belonging to any scheduled caste or any other community hitherto considered as untouchable".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 1, *after* "person" *insert*:

"belonging to any scheduled castes or any other caste subject to such social disability or inequality".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 4 to 6, *for* "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both" *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 5, *for* "six months" *substitute*:

"three years and shall be not less than one year".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 5 and 6, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 6, *for* "five hundred rupees" *substitute*:

"one thousand rupees".

The motion was negatived.

Mr. Chairman: The question is

In page 4, line 6, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

The motion was negatived.

Mr. Chairman: One amendment has been carried already, dropping 'only'. The question is:

"The clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6 as amended was added to the Bill.

Shri Pataskar: There are amendments similar to No. 89 for insertion of new clauses, and I think they should all be taken at the end.

Mr. Chairman: There is no harm if we take these additions at the end. We shall now go to clause 7.

Clause 7.—*(Punishment for other offences arising out of 'untouchability').*

Mr. Chairman: The amendments to this clause are as follows:—

Nos. 37, 38, 110, 39, 111, 78, 79, 42, 43, 112, 80, 16, 17, 81 and 135.

Pandit Thakur Das Bhargava: I beg to move:

(1) In page 4, *omit* lines 9 to 11.

(2) In page 4,—

(i) line 12, *omit* "annoys"; and

(ii) line 14, *omit* "annoys".

(3) In page 4, lines 12 and 13, *omit* "obstructs or causes or attempts to cause obstruction to".

(4) In page 4,—

(i) lines 13 and 14, *for* "any such right" *substitute* "any rights mentioned in the preceding sections 3, 4, 5 and 6"; and

(ii) line 15, *for* "any such right" *substitute* "any rights mentioned in the preceding sections 3, 4, 5 and 6".

(5) In page 4, *for* lines 20 to 22, *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

Shri N. Rachiah: I beg to move:

(i) In page 4, lines 20 and 21, *for* "six months" *substitute*:

"three years and shall be not less than one year".

(ii) In page 4, line 21, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

Pandit Thakur Das Bhargava: I beg to move:

(i) In page 4, line 28, *omit* "or receive from him".

(ii) In page 4, lines 42 and 43, *omit* "or that such person has done any act in furtherance of the objects of this Act."

(iii) In page 4, lines 43 to 45, *for* "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both" *substitute*:

"shall be punished with fine which may extend to five hundr-

red rupees or with imprisonment which may extend to three months or with both".

Shri N. Rachiah: I beg to move:

In page 4, line 44, *for* "six months" *substitute*:

"three years and shall be not less than one year".

Shri Khardekar: I beg to move:

(i) In page 4, line 44, *after* "months" *insert* "but not less than three months".

(ii) In page 4, lines 44 and 45, *for* "or with fine which may extend to five hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property".

Shri N. Rachiah: I beg to move:

In page 4, lines 44 and 45, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

Shri Bogawat (Ahmednagar South): I beg to move:

In page 4, *after* line 31, *insert*:

"(aa) boycotts any person because the person has married an untouchable, or".

Mr. Chairman: These amendments are now before the House.

Pandit Thakur Das Bhargava: I want to speak on amendments Nos. 36, 37, 38, 39, 42 and 43.

It appears that clause 7 overlaps with clause 4, as I just pointed out. The words in clause 4 are "Whoever enforces against any person any disability..." and in this clause the words are "Whoever prevents any person from exercising any right accruing to him by reason of the abolition of 'untouchability'.....". I can understand prevention or obstruction, but I cannot understand 'enforcing a disability'. In regard to the words in lines 9 to 11, I would request the House to pay attention:—

"Whoever prevents any person from exercising any right accruing to him by reason of the abolition of 'untouchability' under article 17 of the Constitution;"

This House does not indicate what those rights are; the Government does not indicate what those rights are. The accused should, first of all, ransack his imagination to find out the rights. All possible rights have been spoken about in clauses 3, 4, 5 and 6. If there are any other rights that might be indicated, what are they? Indicate them here. At the same time, I do not think any person will be able to defend himself against an offence of this kind. The first principle of penal law is that the offence must be precise and the accused should know what act he is prohibited from. To say that one ought not to do something which will prevent from exercising any right, unknown right, is not fair. I therefore propose that instead of these words remaining, we can say,—

"If anybody prevents any person from exercising any rights given in sections 3, 4, 5 and 6"

then, I can understand that it has some meaning. Otherwise, this clause is absolutely meaningless. Therefore, I suggest that these three lines should be deleted—this is my amendment No. 37.

In regard to No. 38, the word 'annoys' has not got any very great significance. When there are the words "molests" and "injures", annoyance is there and it is only a psychological thing and it may be dropped. This is in order that a vague allegation may not be made or flippant accusations may not be brought in.

Similarly, I may submit that in page 4, lines 13 and 14, "any such right" is a vague right, unknown right, a right in the air and a right which

[Pandit Thakur Das Bhargava]

we do not know of. I want to substitute specific rights given in clauses 3, 4, 5 and 6; they may be substituted here. Otherwise, this will remain meaningless. Similarly in line 15, 'any such right' may be substituted by the words 'any rights mentioned in the preceding sections 3, 4, 5 and 6'.

3 P.M.

Then the words are "refuses to let such other person or refuses to permit such other person, to use or occupy and house... refuses to deal with, work for hire or do business with such other person or to render to him or receive from him any customary service..." If you are saying that no person should refuse any service to the members of the Scheduled Caste, are you also forcing such people to receive such service by force? Supposing a person says: 'You do not do my work I am not going to employ you'. You are not removing me. My humble submission is that this is rather too much. Let him not be forced to give service, but it is simply atrocious to ask a man to perforce receive service. It should not be made a penal offence. This is rather outheroding, Herod.

In the same way, I would refer to page 4, lines 42 and 43. These words are too wide; they are "on the ground that such person has refused to practise 'untouchability' or that such person has done any act in furtherance of the objects of this Act..." This is very vague. What are the objects of this Act. Even law does not define it; even the House consisting of 500 Members cannot decide the objects of this, or even define such rights. If this is done, then we are doing a wrong thing in having such offences of which we ourselves are not sure. I would, therefore, submit that a penal law of this nature should not be enacted—a law the meaning of which even the House does not know.

Shri Bogawat: I am glad to inform the House that one of the social workers from my district has married a Harijan girl; he is the son of Ram Bhagwan Deshpande...

Shri Velayudhan: There are so many marriages like that.

Shri Bogawat: Recently, after this was introduced. There may be so many marriages among the educated people but in villages there is too much difficulty. There is a custom in the Brahmin community and it is likely that the whole family would be boycotted. My amendment is to this effect. If anybody boycotts any person because he had married an untouchable, then it will come into effect. In line 31, on page 4, I want to insert "(aa) boycotts any person because the person has married an untouchable, or". That is my amendment. If it is there, then there would be an encouragement for such marriages and real uplift would be there. Only by allowing certain things to be done things would improve. It is very essential that inter-marriages between higher classes and lower classes must take place and in order to encourage such sort of things my amendment is moved. There should not be any boycott or opposition. I request the hon. Minister to give his careful attention to the amendment moved by me. If it is not accepted, there would not be so much encouragement of inter-marriages between higher classes and the lower classes.

An Hon. Member: Kindly read your amendment in the proper place.

Shri Bogawat: It will be like this. The original is: ".....Whoever denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a member of such community or section..." Then my amendment comes: "...boycotts any person because the person has married an untouchable, or". Then it continues '...takes any part in the ex-communication of such person...". I want to put it there. I would request the hon. Minister to consider and accept my amendment and put it in the proper place.

Shri N. Rachiah: I support this clause 7 which deals with the offences arising out of untouchability under article 17 of the Constitution. Just now my hon. friend said that in a village in his district, there was a marriage between a Harijan girl and a caste Hindu. I am happy to know that but actually there are a large number of love marriages between caste Hindus and Schedule Caste persons. There are instances where a caste Hindu woman had married an untouchable and an untouchable woman married a caste Hindu man—or something like that. Supposing a caste Hindu woman married an untouchable man, she has to go to the untouchable class. Actually she had to go. In my constituency, I have seen that also. Supposing a caste Hindu man marries an untouchable woman, again he has to go to the untouchable fold. There are so many such instances. The caste Hindus and Harijans can marry each other legally and openly. We do not want such love marriages. We want among the Hindus to whichever caste or group a person may belong, there must be inter-caste marriages and we must all feel that we are brothers and sisters. We must promote fraternity, liberty and equality. That is how things are to be promoted. The Bill is before the House With regard to clause 7, just now Pandit Thakur Das Bhargava said that the rights are not defined under clause 7. But I say in the first instance in clause 7, sub-clause (a) punishes a person who prevents any person from exercising any right accruing to him by reason of the admission of untouchability under article 17 of the Constitution. Here, the right is defined in the provisions of the Constitution. It is particularly a Fundamental Right and a civil right; there is right to enter into any public restaurant or place of worship and they are specified in the Constitution. At every village and at every place, an untouchable is not allowed to exercise his right. In fact he is prevented from exercising even his civil rights by way of social boycotts. So, if any right that is going to be exercised by an untouchable under the Constitution is prevented, it is an offence. The rights are prescribed and made clear in the Constitution. As such, I oppose the very idea of the amendment moved by Pandit Thakur Das Bhargava. Government and also the Joint Committee had given deep thought and they considered it at leisure and they thought it fit to make the Act very effective and to see that it really helps the untouchable in the interest of whom this is contemplated. They have done very well. Not only that it is not a question of molesting or injuring; it is a question of threatening the existence. Today the Harijans are kept in humiliation everywhere. Their very existence is at stake. Harijans will resist this sort of persecution. Such is the position. It is not a question of molesting, it is a question of struggle for existence. This amendment cannot be accepted.

Pandit Thakur Das Bhargava: Might I ask the hon. Member to give illustration of any other right except those mentioned in clauses 3, 4, 5 and 6? He has not given.

Mr. Chairman: I am calling another hon. Member Pandit K. C. Sharma.

Pandit K. C. Sharma (Meerut Distt.—South): I do not see the reason for this clause whatsoever for the simple reason that article 17 of the Constitution abolishes untouchability and the disabilities arising therefrom. Therefore, the result is that an untouchable shall have the right to go and visit places which if untouchability would have been allowed to cntinue, he would not have the right to go and visit. If he has the right to move to a place by the removal of the disabilities arising from untouchability. Then, whoever restrains him commits an unlawful offence and he is punished under section 341 of the Indian Penal Code. Then if the man goes on further and takes him by hand and attacks him or assaults him, then under section 352 of the Indian Penal Code for using criminal force against

[Pandit K. C. Sharma]

him, the accused is punishable. But what is the use of inserting this clause here, and what is the right that accrues after removal of this untouchability, without the definition? As a matter of fact, with your permission, I would say that the whole scheme of this legislation may have some remote psychological influence but its practical utility is nothing. The question is one of compulsory education, a sixth standard education would be enough.

Mr. Chairman: Is there a State giving education like that?

Pandit K. C. Sharma: What I meant to say is, except that it may have a remote psychological effect on certain sections of the people, what is the use of inserting this clause which has no meaning whatsoever. Therefore, if it is to be retained, I support Pandit Thakur Das Bhargava's amendment because, then, there would be some little sense at least. But as it is, there is no sense. I do not find any sense in it. I support the amendment of Pandit Thakur Das Bhargava.

Shri Pataskar: There has been a good deal of criticism with respect to sub-clause (a) of clause 7. I have very carefully listened to the remarks and the observations made by the hon. Member Pandit Thakur Das Bhargava and my hon. friend Pandit K. C. Sharma. The point is, in this clause what are we dealing with? I know these are matters which are rather wide. There is no doubt about that. Now, in clause 3 what we have done is that we have provided punishment for enforcing the religious disabilities. In clause 4, we have provided for punishment for enforcing social disabilities. The social disabilities are specified there. In clause 5, punishment for refusing to admit persons to hospitals, etc. has been provided.

Now, hon. Members will find that article 17 of the Constitution, to which reference is made in sub-clause (a) of clause 7, abolishes untouchability. Clause 7 deals with the prevention of any person exercising any right accruing to him by reason of the abolition of "untouchability" under article 17 of the Constitution. There is no doubt about it. But this is intended to cover all other cases also.

Pandit Thakur Das Bhargava: What other cases ? Can the hon. Minister give some illustrations?

Shri Pataskar: I can just point out the amendment moved by Shri Bogawat. He said that there is a person who has married a Harijan girl and that on that ground he was boycotted.

Pandit Thakur Das Bhargava: So far as boycott is concerned, it is included specifically in the Bill and I said nothing about it.

Shri Pataskar: Another hon. Member referred to article 6 and said a man may want to buy an article and that the shopkeeper man refuse to sell it. So, what I say is, this is an omnibus provision. There is no doubt about it.

श्री बाल्मीकी : आन ए पायंट आफ आर्डर, सर। बात यह है, कि मेरी अमेंडमेंट का मकसद यह था कि इस क्लाज नं० ४ के बी भाग के शब्द 'carcass' के पीछे 'nightsoil', 'filth' or 'rubbish शब्द बढ़ा दिये जायें क्योंकि इस के द्वारा सब तरह से भंगी के पेशे के रूप में इस छुआ-छूत की लानत को खत्म कर दिया जायेगा। इंडियन पीनल कोड की धारा २७४ बेगार के सम्बन्ध में है, लेकिन भंगी का काम भंगी को ही करना पड़ता है और उसका काम किसी से नहीं कराया जा सकता है, चमार से नहीं कराया जा सकता है, ब्राह्मण से नहीं कराया जा सकता और न कोई करने को तैयार ही है।

सभापति महोदय : आनरेबल मेम्बर साहब ने तो पायंट आफ आर्डर रेज कर के तकरीर करनी ही शुरू कर दी है, जिसके लिए कि उन्हें इन्कार कर दिया गया था।

श्री वाल्मीकि : असैन्शियल सर्विसेज आर्डीनेंस, १९४१ मौजूद है, जिसके अनुसार भंगी या मेहतर को वह काम करने के लिए मजबूर किया जाता है। इस लिए मैं समझता हूं कि जब तक ये लफ्ज इन्सर्ट नहीं किए जाते, तब तक भंगियों को कोई संरक्षण नहीं मिलता है। मैं मंत्री महोदय से इस बात का जवाब चाहता हूं।

सभापति महोदय : यह तो कोई पायंट आफ आर्डर नहीं है। चूंकि आनरेबल मेम्बर को तकरीर के लिए वक्त नहीं मिला, इस लिए उन्होंने इस वक्त तकरीर शुरू कर दी गई है।

Shri Pataskar: I am aware of the hardship which the hon. Member has pointed out with respect to the sweeper class.

Shri Balmiki: Not about the hardship of the sweeper and scavenger. They are facing this difficulty throughout the length and breadth of the country.

Mr. Chairman: He should not get it enforced on them.

Shri Pataskar: All I can say is that ample provision has been made in the Bill to see that the conditions about which the hon. Members are complaining will cease to exist, or, there would be a remedy for removing them so far as the provisions of this Bill are concerned. I can assure him that the enactment will be complete. I cannot say anything more than that. It is impossible to reply to individual cases.

What I was trying to say is this. On the one hand, there is a clamour as to whether this covers everything that has been done against the untouchables. On the other hand, there is a grievance that we are trying to provide for undefined things. This grievance is itself a reply to this question. What is felt as undefined is defined now. What is meant in article 17 by "abolition of 'untouchability'" is defined now. It would be impossible for us to enumerate every little thing. There may be certain things which we know and which we may justify on the ground of their sheer existence. But it is a different matter. There is no other alternative to what we have done. The Bill itself is conceived in that spirit and for a special purpose. Therefore in clause 3 we enforce punishment for disabilities, of a religious nature. In clause 4 we are enforcing punishment for social disabilities. In clause 5, the punishment is for refusing to admit persons to hospitals, etc. And then there is a general clause in which anything which will be done against what is laid down in article 17 of the Constitution will constitute an offence. It is wide enough but in order to meet a problem of this nature there is no other alternative. I do concede that if it were a normal piece of penal law it could have been too wide, but in the very nature of the case which we were dealing with since yesterday and are dealing with today, and in the spirit in which we are approaching this question, I think there should be no objection to clause 7 as it stands.

Mr. Chairman: I am going to put all these amendments together to the vote of the House.

Pandit Thakur Das Bhargava: But some of the amendments have not been replied to, nor even considered by the hon. Minister.

Mr. Chairman: The hon. Member knows it much better than I do. I cannot force the hon. Minister to reply.

Shri Pataskar: If the hon. Member thinks that I have tried to avoid some points, I might tell him that it is not because that I do not attach importance to them. If it were an ordinary piece of legislation, what he said could have been considered in a different way, but in the very nature of the problem, as I pointed out already, in the way in which this Bill is framed, in the way in which clauses 3 and 5 are framed, it is not possible to accept his amendments. It is not that I do not attach importance to them. They are very important, but I am unable to accept them.

Mr. Chairman: I shall now put all the amendments to vote.

The question is:

In page 4, *omit* lines 9 to 11.

The motion was negatived.

Mr. Chairman: The question is:

In page 4, —

(i) line 12, *omit* "annoys"; and

(ii) line 14, *omit* "annoys".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 12 and 13, *omit* "obstructs or causes or attempts to cause abstruction to".

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Mr. Chairman: The question is:

In page 4,—

(i) lines 13 and 14, *for* "any such right" *substitute* "any rights mentioned in the preceding sections 3, 4, 5 and 6;" and

(ii) line 15, *for* "any such right" *substitute* "any rights mentioned in the preceding sections 3, 4, 5 and 6".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, *for* lines 20 to 22 *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 20 and 21, *for* "six months" *substitute*:

"three years and shall be not less than one year".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 21, *for* "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 28, *omit* "or receive from him".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 42 and 43, *omit* "or that such person has done any act in furtherance of the objects of this Act".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 43 to 45, for "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both" *substitute*:

"shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 44, *for* "six months" *substitute*:

"three years and shall be not less than one year".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 44, *after* "months" *insert* "but not less than three months".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 44 and 45, *for* "or with fine which may extend to five

hundred rupees, or with both" *substitute*:

"and with fine which shall be of the value of one-eighth of his movable and immovable property".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 44 and 45, for "five hundred rupees" *substitute*:

"five thousand rupees and shall be not less than five hundred rupees".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, *after* line 31, *insert*:

"(aa) boycotts any person because the person has married an untouchable, or".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 11

Mr. Chairman: There is a new clause 7-A. Perhaps we may take it at the end. In clause 8, there is only one amendment—amendment No. 46. In clause 9, there is one amendment—amendment No. 113. In clause 10, there is no amendment at all. In clause 11, there is amendment No. 47.

Shri Dabhi: I want to move my amendment No. 47 and speak on it.

Mr. Chairman: I shall finish what I have got to say. Now, I have read out the numbers of the amendments. If any hon. Member wants to indicate any other amendment, he may give it now.

Obviously there is no other amendment.

Shri Sadhan Gupta: I beg to move:

In page 5, line 5, *for* "be suspended" *substitute* "shall be suspended".

Shri N. Rachiah: I beg to move:

In page 5, line 12, *after* "manager" *insert* "swami".

Shri Dabhi: I beg to move:

In page 5, lines 24 and 25, *for* "punishable" *substitute* "punished."

Mr. Chairman: All these amendments are now before the House.

Shri Dabhi: By my amendment to clause 11, I want to substitute the word 'punished' in place of 'punishable'. As you will see, this clause wants to enhance the penalty in the case of subsequent convictions under this clause, if any person commits an offence for a second time, then he is to be convicted or sentenced to both imprisonment and fine. So the intention is quite clear. But I am afraid that unless the word 'punished' is there, the courts may perhaps come to the conclusion that in certain cases there is a discretion to the court to impose either the one or the other of the punishments, and thus the word 'punishable' will impart a sort of discretion to the court. I am not drawing upon my own imagination for that. I would like to quote to you the ruling of the Bombay High Court.

Shri Dhulekar: You have quoted that many times before.

Shri Dabhi: I want to impress on the hon. Minister the need to accept my amendment.

Shri Dhulekar: That is a wrong judgment.

Shri Dabhi: Wrong judgment? It is the judgment of the Bombay High Court.

Mr. Chairman: The hon. Member should address the Chair, and not carry on cross-talks.

Shri Dabhi: I would like to read to you just a few sentences from the ruling of the Bombay High Court. I would refer you to the ruling reported in AIR-49—Bombay, 41, Full Bench

[Shri Dabhi]

Decision in Emperor *vs.* Peter Desouza. In that ruling, their Lordships were interpreting section 43 of the Bombay Abkari Act, 1878, as amended by the Bombay Act XXIX of 1947. There the punishment provided was both imprisonment as well as fine, and that was made clear by the word 'and'. In spite of that, in one particular case the lower court sentenced the accused only to fine. The case then went to the high court, and the high court then gave this Full Bench decision:

> "The word 'punishable' imparts discretion, and it is left to the discretion of the court to impose a sentence or fine or both. It is not, therefore, obligatory upon the court to impose upon the accused the sentence of imprisonment and the sentence of fine".

Here, no doubt, the word 'both' is used, and the emphasis is there. But their Lordships have interpreted the word 'punishable' to mean that the court is given a discretion to impose a sentence or fine or both. So, when we enacted the Bombay Prohibition Act, we have used the word 'punished' instead of the word 'punishable'.

I hope Government would accept my amendment so as to remove the doubt completely. We know that our courts are normally not inclined to impose both punishments. The intention being clear that in the case of a second offence, both the punishments must be imposed, I hope Government will see their way to accept this amendment.

Shri N. Rachiah: I support clauses 9 and 11. These are very important clauses. because it is these clauses which actually go to implement the privisions of this Act.

Clause 8 reads:

> "Cancellation or suspension of licences in certain cases: when a person who is convicted..."

Mr. Chairman: The hon. Member need not read the clause. Hon. Members know what these clauses contain. The hon. Member may continue his speech.

Shri N. Rachiah: This clause deals with the cancellation of any licence or the suspension of any licence under certain cases. The next clause, namely clause 9 deals with the resumption or suspension of grants made by Government. Suppose there is an *ashram*, a hostel, a *math* or a religious institution, and Government have given them some grants or given them some immovable property as a grant, then it is the duty of Government to see that the grants made by Government or the assistance given by Government to those institutions which are intended to promote the general welfare of the masses are properly made use of. If the grants are made use of only for a section of the community or for feeding only the communal elements, then Government should immediately take back all those grants: Government should not only withdraw all the grants given by them, but they should also confiscate the personal property of those incharge of such institutions, as suggested by my hon. friend Shri Khardekar. According to the Criminal Procedure Code if the cattle belonging to a person trespass on the land of another person or the granary of another person, then the former can be punished. If that be the case with regard to cattle, how should we allow any human being to be trespassed with regard to his self-respect, and with regard to the exercise of the rights guaranteed to him by the Constitution. When a man goes and observes untouchability then he is taking away the existence of other person who is called an untouchable. There is a saying, "when you take the means by which I live, you do take my life." If democracy were to flourish, untouchability and superiority complex should vanish at once. Untouchability, is worse than slavery. It has killed souls of Harijans. I have been emphasising on more than one occasion that untouchability is the negation of freedom. It is not merely

a question of infringement of right only but it is something more than that. So, I shall conclude with one quotation from Gandhiji. I do not want the removal of untouchability as Gandhiji has said, by violence or by resort to punishments. I want to urge upon Government to remove untouchability in the way in which Gandhi has exhorted us to do it, and that is by *ahimsa*.

Mr. Chairman: The hon. Member has already dealt with these points very exhaustively more than once.

Shri N. Rachiah: No. There are 4 clauses.

Mr. Chairman: There may be more. But in this amendment, he cannot again refer to those quotations.

Shri N. Rachiah: I shall read just only one quotation. This is what Gandhiji has said:

> "The only means open to me are those of *ahimsa* and truth. I have adopted an 'untouchable' child as my own. I confess I have not been able to convert my wife completely to my view. She cannot bring herself to love her as I do. But I cannot convert my wife by anger; I can do so only by love. If any of my people have done you wrong, I ask your forgiveness for it. Some members of the 'untouchable' class said when I was at Poona that they would resort to force if the Hindus did not alter their attitude towards them. Can untouchability be removed by force? Can the amelioration of the 'untouchables' come through these methods? The only way by which you and I can wean orthodox Hindus from their bigotry is by patient argument and correct conduct. So long as they are not coverted, I can only ask you to put up with your lot with patience. I am willing to stand by you and share your sufferings with you. You must have the right of worship in any temple in which members of other castes are admitted. You must have admission to schools along with the children of other castes without any distinction. You must be eligible to the highest office in the land not excluding even that of the Viceroy's. That is my definition of the removal of untouchability."

This mandate should be followed by our Government.

Mr. Chairman: If the hon. Member intends to read the whole text under the various clauses, then I cannot permit it. The hon. Member has said so much already, and he has given us so many quotations already. He will resume his seat now. We have already exceeded by about 50 minutes the overall limit that we had for this, including that for the third reading as well. How can we continue indefinitely like this? I have already brought this to the notice of the hon. Member about three or four times. But if he insists, then I hope he will of course sympathise with me, because I cannot give more time.

Next, I call upon Shri Raghavaiah. I appreciate that the hon. Member has not spoken so far, but I could give him only three or four minutes.

Shri Raghavaiah (Ongole): That is more than enough for me.

Clause 11 reads:

> "Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment, shall, on every such subsequent conviction, be punishable with both imprisonment and fine."

The only point that I want to state in this connection is this. On every subsequent occasion, instead of giving the person imprisonment and fine for committing such an offence, I wish that something more serious is done to the accused, for the simple reason that if once the Judge considers that the committing of an offence of this nature is such a serious thing beyond all human standards, then the mere imposition of a certain term of im-

[Shri Raghavaiah]

prisonment or a certain amount of fine will not put him on the right path. For instance, there are a good number of examples. Even after sixty years of struggle for independence, twenty years of preaching by Gandhiji, and seven years of freedom following that, even after all this history of fight against untouchability, today you find it is existing in a more serious form and in a greater volume than before. Untouchables are prevented from exercising their fundamental rights, things like exercising their own vote in a free and independent country. Apart from the question of touching others and such other things, even the right given by the Government of India they are not allowed to exercise. That is what happened in the General Elections in Andhra. Thousands of people were physically prevented from exercising their right. I could give any number of examples, but this is not the time or the occasion for it. So, if you consider that the committing of this offence is of such a serious nature, I think the punishment also should be sweeping, serious and very severe. Mere repetition of imprisonment and fine will not heal this social malady.

Mr. Chairman: The difficulty is there is no suggestion even by way of an amendment.

Shri Raghavaiah: I leave it to the hon. Minister to think of it and put it. So the point here is that when we do away with a severe, serious social malady the best way of doing it is to do it with such a sweeping intensity and seriousness that the times require. And I suggest confiscation of the property, because it is done specially by the upper class people, the well-to-do section. It is they that prevented thousands of these voters from exercising their votes.

Mr. Chairman: It is unfortunate that the hon. Member was absent. That suggestion was already given. Now they have not brought that particular amendment.

Shri Raghavaiah: While I agree with you that this suggestion has been given at the First Reading, I repeat it now in the hope that an amendment suited to the situation will be taken up by the hon. Minister and something will be done, because mere repetition of imprisonment and fine will be of no avail.

Shri Pataskar: These clauses that have been grouped together are very simple ones. Clause 8, as is well known, is about the cancellation or suspension of licences in the cases where these things have happened. Clause 9 relates to the resumption or suspension of grants made by Government. Clause 10 deals with abetment of offence while clause 11 deals with enhanced penalty on subsequent conviction.

To turn to my hon. friend Mr. Dabhi, he suggests something in regard to clause 11. Now, the clause reads like this:

> "Whoever having already been convicted of an offence under this Act or of an abetment of such offence, is again convicted of any such offence or abetment, shall, on every such subsequent conviction, be punishable with both imprisonment and fine."

I carefully went through the judgment of the Bombay High Court. It is not for me to say whether it is correct or not; that is a different matter altogether. But there is a difference in the wording of the Bombay Excise Act, the section of which was the subject-matter of decision there. Here I think "be punishable with both imprisonment and fine" clearly means that the person must be punished with both. I do not think we should make any change here because of some ruling somewhere in respect of a section where the wording was not exactly identical. I think we shoul try to adhere to the usual and the ordinary formula which is found in all penal provisions. Of course, I entirely agree with the object with which the

amendment was moved. But I do not think it is necessary to change the wording in the way suggested.

One other suggestion that I heard was that there should be confiscation of property, etc. But I do not think there is any amendment about that.

Shri Raghavaiah: If you accept the spirit of the suggestion, I think it will...

Mr. Chairman: I assure you he is not going to accept it. Now, we have got these amendments, Nos. 46, 113 and 47. I shall put them to the House.

The question is:

In page 5, line 5, *for* "be suspended" *substitute* "shall be suspended".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, line 12, *after* "manager" *insert* "swami".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, lines 24 and 25, *for* "punishable" *substitute* "punished".

The motion was negatived.

Mr. Chairman: The question is:

"That clauses 8 to 11 stand part of the Bill".

The motion was adopted.

Clauses 8 to 11 were added to the Bill.

Clauses 12 to 16

Mr. Chairman : Should I take up the other clauses together?

Some Hon. Members: Yes.

Pandit Thakur Das Bhargava: Clause 12 may be allowed to be proceeded with. That is the most important clause.

Mr. Chairman: But it should be borne in mind that we have already exceeded the time-limit that we have fixed ourselves by about fifty-five minutes, including the Third Reading.

Shri Velayudhan: This Bill is for generations.

Shri Pataskar: I think that if all the clauses are put together that will save time. And so far as I can see with respect to the amendments, I am prepared to accept only amendment No. 51 of Shri Sadhan Gupta to clause 17.

Mr. Chairman: That might be taken separately.

Shri Raghavachari (Penukonda): I have an amendment to clause 12, amendment No. 48.

Mr. Chairman: We will take clauses 12, 13, 14, 15 and 16 together, and the amendments indicated under these clauses which are amendments Nos. 48, 49, 114, 115, 116, 117, 118 and 50. These are the amendments that have been indicated so far.

Shri Raghavachari: I beg to move:

In page 5, line 27, *after* "is" *insert* "proved to have been".

Shri K. C. Sodhia: I beg to move:

In page 5, line 29, *for* "shall" *substitute* "may".

Pandit Thakur Das Bhargava: I beg to move:

(i) In page 5, line 29, *for* "shall" *substitute* "may".

(ii) In page 5, line 29, *after* "shall" *insert* "in the absence of other evident cause".

(iii) In pages 5 and 6, *for* clause 14, *substitute*:

"14. (1) If any offence is committed against the provisions of this Act and the offender is a company, corporation or association of persons or a department of any Government, every person who was incharge of and was responsible for the conduct of the business of the company, corporation, association or department of the Government as well as the company, corporation, association or the department of the Government shall be deemed to be guilty of the offence and shall be liable

[Pandit Thakur Das Bhargava]

to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed with the consent or connivance or is attributable to any neglect on the part of any director, or manager, secretary or other officer of the company or the secretary, minister, head of department or other officer of the department of Government or head or executive officer of the corporation or association, as the case may be, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

(iv) In page 5, line 44 *after* "of the company" *insert* "in relation to which the offence was committed".

(v) In page 6, lines 5 and 6, *omit* "or is attributable to any neglect on the part of".

Shri Sadhan Gupta: I beg to move:

In page 6, (i) line 18, *omit* "and"; (ii) *omit* lines 19 and 20.

Mr. Chairman: All these amendments are now before the House.

Pandit Thakur Das Bhargava: I will take up clause 12 first. Clause 12 runs thus:

"Where any act constituting an offence under this Act is committed in relation to a member of a Scheduled Caste as defined in clause (24) of article 366 of the Constitution, the court shall presume, unless the contrary is proved, that such act was committed on the ground only of 'untouchability."

My humble submission is this. We have already passed several clauses in this Bill. I will refer you to at least two clauses at this stage. For instance we have passed this clause already which says:

"Whoever on the ground only of 'untouchability' enforces against any person any disability with regard to the construction, acquisition, or occupation of any residential premises in any locality, whatsoever shall be punishable."

That is, that person can construct, acquire or occupy any residential premises in any locality whatever, whether in that locality the land or house belongs to him or not. It is immaterial. So far as my amendment was concerned, it was not accepted. I am not complaining of that because it can be interpreted otherwise also. My point is this. Supposing a person comes to my house and wants to occupy some land there and I say it belongs to me, it becomes a matter of dispute. Will you say that you assume that only on the basis of untouchability I am resisting him?

In clause 5, it is said:

"Whoever on ground of untouchability—

(a) refuses admission to any person to any hospital, dispensary, educational institution or any hostel attached thereto, if such hospital, dispensary, educational institution or hostel is established or maintained for the benefit of the general public or any section thereof; or

(b) does any act which discriminates against any such person after admission to any of the aforesaid institutions;..."

Supposing a medical man says, there is no room in the hospital or dispensary; it is full. Or suppose, some more serious case comes and this man is not admitted. Ordinarily he would not have been admitted even if he belonged to any other community, but we go further in clause 7 and make it penal if a person refuses to receive any service from another. In spite of my objection I am sorry that the

hon. Minister was not even prepared to give a reply to the arguments. The argument is this. In (a) of the explanation we have got:—

> "Who refuses to let to such other person or refuses to permit such other person, to use or occupy any house or land or refuses to deal with, work for hire, or do business with, such other person or to render to him or receive from him any customary service or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business;"

It means I am forced to accept customary service even though I get cheaper service from others. Your presumption would be that I am refusing to take that man because he belongs to the Scheduled Castes. Similarly, suppose a person wants to hire a house and I do not give it on hire—it may be on various other grounds—the presumption is that I am refusing to give it because he belongs to the Scheduled Caste. It may be that I want to occupy the house myself or it may be that I do not want to have bachelors in my house because there may be a number of other families living in it, or it may be that I do not want to have a person who fries fish or cooks meat, it may be for so many other reasons—it is the usual practice—but you presume here that whatever may happen it is only on account of untouchability. This presumption is too wild and should not be taken in any case because it will not only inconvenience the members of the non-Scheduled Castes but even those who belong to the Scheduled Castes and it will create great difficulties. It may harm even the members of the Scheduled Castes because the words are such that the accused person may belong to any caste, whether a Scheduled Caste or not—but the offence must be in respect of a member of the Scheduled Castes. So far as the accused person is concerned, he may belong to any caste.

I may refer you to the Indian Evidence Act so far as presumptions are concerned. There are three kinds of presumptions. In section 4 of the Indian Evidence Act, there are cases where the court may presume certain things.

> "Whenever it is provided by this Act that the Court may presume a fact, it may either regard that fact as proved unless and until it is disproved or may call for proof of it."

Then there are cases of 'shall presume'.

> "Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unles and until it is disproved."

Then, there is conclusive proof.

You know very well the principle that the fouler the offence the better should be the proof. This is the principle which we have got in the field of criminal law. If the offence is more foul, the proof should be clearer. If you make this universal presumption, it means that all the efforts of Gandhiji and the reformers of past ages, all the efforts of this Government and those of the social reformers are lost completely.

When the hon. Home Minister was pleased to make a speech at the beginning, he referred to the fact that there was untouchability in the land to a certain extent, and he did realise that it was not such a universal thing that the court may presume that if an act is done it is done on account of that disability of the members of the depressed classes. I, therefore, think that in the interests of good administration, in the interests of the depressed classes themselves, in the interests of the general law of the land we should not do this. I find that whenever any question of crime comes the burden of proof is put on the accused, whether it is railway stores or whether it is smuggled goods whether it is an offence with regard to Scheduled Castes people or

[Pandit Thakur Das Bhargava]

whether it is some other offence. (*Interruption*) It is an easy way of getting over the difficulty to place the burden on the accused. Does it mean that every man in this land is only imbued with notions of untouchability and nobody can rise above it? My submission is that in many cases it may happen that this act is done with so many other motives. You have taken away the word 'only'. It means that there might be cases where this is done because of other reasons. If there are no other facts, the court may presume that it is done on account of this. But, there can be cases in which persons can be motivated by absolutely different considerations where untouchability does not come in. But as it is, the presumption is there and in every case conviction is a foregone conclusion. If on this basis there is a conviction and a man is sent to jail he will always be stigmatised as a person who has not behaved as Gandhiji wished him to behave, as the Government wanted him to behave. This is a stigma which shall attach to every accused and I do not want that every man who is convicted of an offence should be regarded as a person who believes in untouchablity and practises it as such. I have given notice of an amendment that the word 'shall' may be substituted by the word 'may'. In the other amendment, I have said, after the word 'shall' insert, 'in the absence of other evident cause.'

As a matter of fact, the second will only arise if the first is not accepted. I am anxious that the words 'may presume' may be there so that the court may finally decide the thing and come to a conclusion. The court may ask the accused to explain the fact and record whether it is proved or not. The court will not be bound to accept it. It is not fair that the courts should presume. They must be free and not allowed to presume too much.

Shri Dhulekar: This may be accepted.

Pandit Thakur Das Bhargava: I now come to clause 14.

This is an oft-repeated story in this House. I have always been resisting these provisions of vicious liability in regard to companies. If you kindly look at the clause, it appears that in the case of companies also there will be organised attempts at perpetuating untouchability. I cannot think of a position like this; under this benign Government and Swaraj and Welfare Government, will there be any organised offence by companies? In all other economic and commercial cases they are putting this provision—and they have put it here also. With a view to bringing home to the Government the absurdity of this provision in this Bill, I have myself suggested the amendment in which I say that the Government departments, also the Ministers and the Secretaries who are there at the head of the administration, should be punished like ordinary people if they commit offences like this. I cannot think that under this Government there may be offences of this nature by companies in an organised manner. I do not know why this is brought in. I am perfectly right in saying that the Municipal bodies and government officials who under the definition of Essential Services, ask the *bhangis* to work—about which my friend, Shri Balmikiji spoke to-day—must be sent to jail, for, that is the proper place for each one of them. I go so far as to say that it is impossible for companies or organised persons to practise untouchability when the Government and the whole nation are out to see that it is eradicated. I would, therefore, suggest that so far as substitution is concerned it is perfectly right. I request the hon. Minister to accept my amendment regarding clause 12 and realise the absurdity of keeping clause 14 in the Bill as it is. I am not anxious that my amendment in regard to clause 14 should be accepted. I want that the absurdity of it should be realised.

Shri Sadhan Gupta: Regarding Pandit Thakur Das Bhargava's remarks on clause 12, I cannot agree with him to the full extent. After all, it is a social legislation we are enacting. We are enacting this legislation to cure a very deep-rooted evil and this is a legislation which will have to come up against many obstacles in the course of its enforcement. Therefore, in such matters, where there may be a doubt as to whether an act has been committed on the ground of untouchability or whether such an act has been committed on any other ground, there will have to be provided a certain presumption in order to make it possible to administer the law. I agree that in the presence of certain circumstances, the stringency of the presumption may be allowed to be relaxed. I would have preferred some such qualification like this: "shall in the absence of circumstances pointing to the contrary" or something of that kind. There must be an initial presumption. The court must draw an initial presumption. Otherwise, it is impossible to cure a social evil and through the vagaries of proof many guilty persons will escape punishment. Even as the provision now stands, I do not say that many people who are not given to the practice of untouchability will suffer very much. There may be borderline cases of hardship and for those cases, I would suggest this kind of a change: 'in the absence of circumstances pointing to the contrary' and so forth.

For example, he has given the instance of some one refusing to hire residential accommodation in a family dwelling. It may be for other purposes. In that case, if we can say that it is his family dwelling, this presumption can be rebutted. The sort of amendment that I have suggested would be sufficient, to cover such cases of hardship.

Regarding clause 14, I beg to differ completely from Pandit Thakur Das Bhargava. After all, the question is not whether companies will be formed to practise untouchability. The companies are governed by the views of certain persons. It may be that the shareholders or directors of a company think that they should practise untouchability and they should not sell goods or services to the Scheduled castes. Circulars may be issued from the company prohibiting such sales of goods and services. If clause 14 is there, this sort of a thing may be prevented. If clause 14 is not there, how are you going to get at them? If a circular is issued, let us take the case of South India where untouchability is particularly prevalent. If the directors of a company issue a circular without any director signing his name that this company shall not sell anything to the untouchables, how are you going to get at the persons responsible for it?

Pandit Thakur Das Bhargava: Is it thinkable that any company would say that they do not want to sell anything? It is to their interest to sell everything.

Shri Sadhan Gupta: If untouchability is an evil and if it is made punishable, the directors of a company will not do it. When they know that there is no law to get at them, they may do so. Therefore, there must be a law to get at them. If as under the other laws like the Essential Commodities Act, the Industrial Disputes Act, etc. the directors are to be made vicariously responsible unless they can prove that they were not responsible for it, I would like clause 14 to remain. If clause 14 remains, Pandit Thakur Das Bhargava would be right that no company would practise untouchability. If clause 14 is not there, there is a real danger that people who form companies may practise untouchability. If they practise untouchability, there is no way of getting at them.

Mr. Chairman: The hon. Member must be brief.

Shri Sadhan Gupta: I am now on clause 15. I have an amendment No. 50 which seeks to take away the compoundability of the offence. What offences can be made compoundable?

[Shri Sadhan Gupta]

Offences can be made compoundable when they mainly concern private persons. That is, if some injury has been done to a private person by another, that person can compound with the person who has caused the injury. Here, the wrong is not only against a private person: I would say not mainly against a private person. The wrong is mainly against our conception of what our society should be and society is more interested than individuals in this case. Society is more interested even than the Scheduled caste persons, on whom the wrong has been done. If that is so, why should the accused and the complainant be allowed to compound the offences between themselves. It may be said that it will be done with the permission of the court, and the court will see that nothing untoward happens and the interests of society are not sacrificed. In cases of offences against untouchability, that argument is a very idle argument, because, the person who practises untouchability would, in most cases, be powerful person and the Scheduled Caste person against whom untouchability has been practised, will be managed in such a way that not an iota of the truth will come to the court and only a petition alleging either a half-truth or a falsehood will be presented by the accused and the Scheduled Caste person jointly and in that way, they would really defeat the interests of society. Therefore, there is a very real danger either of suppressing the reality or suppressing the truth by suppressing all the circumstances which are revolting to society. Many offences may be compounded. Therefore, we are strongly opposed to this provision as to compoundability. If you think an offence is not very serious, you can award a technical punishment: imprisonment till the rising of the court, etc. But, do not allow the case to be compounded. In that way, you will defeat the interests of society.

Shri Veeraswamy: Not only should clause 14 be retained; I have given notice of an additional clause—clause 14A—which should be added to this Bill. Clause 14A says....

Shri Raghavachari: On a point of order, Clause 14A is not before the House.

Shri Veeraswamy: When I speak on clause 14, I have something more to say about it.

Mr. Chairman: Clause 14A is not before the House. We shall have an opportunity of discussing that later.

Shri Veeraswamy: We have taken all the clauses together.

Mr. Chairman: Not clause 14A.

Shri Raghavachari: I have a few observations to make on clause 12. I have myself given notice of an amendment, number 48, that the language should be changed.

[SHRI BARMAN *in the Chair.*]

Before my amendment is considered, I would invite the attention of the Government to the language in which this clause is clothed.

4 P.M.

In the first place, this clause 12 was not in the original Bill. It is a new clause that has been introduced by the Joint Committee. The second thing is that the clause about presumption was added because the Bill, as was recommended, said—in all cases *only* on the ground of untouchability. Therefore, they wanted to provide a presumption under this clause, that when an offence is committed, it is deemed to have been committed only on the ground of untouchability. Now, that the Government have accepted the deletion of the word 'only', there is no reason for this clause to continue.

The next thing that I wish to submit is this. Only when an offence is proved to have been committed, the question of presumption arises. One would generally understand it not as when an act is 'alleged to have been' committed but is 'proved to have been' committed. Otherwise, the alterna-

tive will be that whenever it is alleged that an act is committed, there is no need for proof and the man may be sent to jail because of the presumption. Whenever it is proved to have been committed, usually there may be a presumption, but as you have put it, it simply means that whenever an offence is even alleged to have been committed, the presumption is there. It is most absurd. The thing must be clearly stated as to whether it is 'proved to have been committed' or 'alleged to have been committed'. In either case, presumption without proof would lead us to a topsy-turvy situation so far as criminal jurisprudence is concerned. Therefore, I submit that this amendment which I have given will have to be accepted, for adding the words 'proved to have been'. Otherwise, it becomes absurd.

The other point I wish to put forward is this. We are here dealing with article 17, namely, offences and disabilities that are perpetrated as a result of a man to have once belonged to the class of untouchables. Now, what are you proposing here? You say: 'in relation to a member of a Scheduled Caste as defined in clause (24) of article 366....' Under clause (24) the explanation of 'Scheduled Castes' includes 80 or 90 castes, and many of them are not untouchables at all. Therefore, you are trying to raise a presumption in the case of almost every person who is a complainant, even when he may not belong to the class of untouchables at all. For instance, there is the kuruba caste. That comes under the definition. Suppose an offence is committed in respect of a man belonging to that caste. You presume that the offence is committed only on the ground of untouchability whereas he is not an untouchable. This is something which is very good for people who want to do anything they please. But so far as legislation by a responsible House is concerned, you must still be clear as to the scope of the Bill you are thinking of. You want to raise a presumption in the case of all Scheduled Castes in the country in respect of whom an offence is committed. This would lead us, I submit, to something which was never intended. It was not in the original Bill. Now, it has been put in. You have now accepted an amendment to omit 'only' before 'on the ground of untouchability'. This must go from the other clauses too. There is no reason for this clause being kept. If you keep it, it must be made clear by adding the words 'proved to have been'; otherwise, it becomes absurd. If it is proved to have been committed, presumption is not necessary. Therefore, I submit that some thought may be given to the clause, as it is now framed. My own submission is that it should be omitted; that will be the most consistent thing. If you think it should be retained, it must be made clear as I have suggested; otherwise, it becomes absurd.

Shri Velayudhan: Regarding the presumption clause, I have got an amendment deleting the word 'only'. But as the hon. the Home Minister has kindly accepted it, that point is met.

Then, as one who was a Member of the Joint Committee, I can say that from evil comes sometimes good also. I must tell you, in the original Bill this presumption clause was not there. It was put in there in the Joint Committee in order to avoid a certain lacuna in a subtle way by the omission of the word....

Dr. Rama Rao: That is about clause 12.

Shri Dhulekar: It should be deleted.

Shri Velayudhan: He does not know what it was. I know it. I do not agree with the viewpoint expressed by Shri Raghavachari, and I say that the clause, as it is given here, with the omission of the word 'only' should be retained.

Dr. Rama Rao: I want to support amendment No. 50 to clause 15. It is a very important thing. It is about the compoundability of offences. I would request the hon. Home Minister and his deputy and the Minister

[Dr. Rama Rao]

in the Ministry of Law to consider it very carefully. Here we are passing a very essential Bill, but this provision will nullify the benefit of this Bill and place these people in a very disadvantageous, and probably in a dangerous, position. You know the social circumstances. All the vested interests and the higher caste people have several advantages over the so-called untouchables. First of all, it is very difficult to prove an offence. Then, if it is proved, if there is a provision that it can be compounded, the upper caste people will compel the so-called untouchables to come to an agreement. They will pay, or even without payment, they will see that it is compounded. I do not care whether the punishment is 10 days' imprisonment or Rs. 10 fine. But unless there is punishment, the whole effect of the Bill will be spoiled and these poor people will be terrorised and punished and persecuted.....

Pandit Thakur Das Bhargava: Does the hon. Member realise that 50 per cent of the cases will be between members of the Scheduled Castes?

Shri Nanadas (Ongole—Reserved—Sch. Castes): Never mind. Let them suffer for the sake of the Scheduled Castes.

Dr. Rama Rao: The whole point is that the social set-up, as it is, will go against the Scheduled Caste people so much so that all cases, in practice, will be compounded. So if you want the Bill to be effective, you must not make it compoundable. On the one hand, I am glad that the offences are made cognisable. But on the other, you are taking away a right given. The whole effect of it will be gone by this process and the Scheduled Caste people will be put to great disadvantage. So I request the hon. Minister to consider, and if necessary, give his decision tomorrow as regards accepting this amendment.

Shri Nanadas: With regard to clause 12, my hon. friend, Pandit Thakur Das Bhargava, bemoaned that it would go against the procedure of law courts and jurisprudence, and he brought in the question of the Railway Stores Bill etc. With all his good intentions for the welfare of the Scheduled Castes, he has forgotten the difficulty of the Scheduled Castes in proving the case, because the Scheduled Castes are very poor, very down-trodden, and they cannot prove the offence. They are subjected to all sorts of difficulties by the influential people and the richer classes. So this provision was put in by the Joint Committee as regards presumption. As a matter of fact, we got it as a concession from the hands of Shri N. C. Chatterjee and his company and in this House that concession....

Shri Velayudhan: He was alone; there was no company.

Shri Nanadas:....is going to be taken away by the speeches of my friend, Pandit Thakur Das Bhargava and others. I do not know why they are very particular about this provision only in this Bill, that is, the Untouchability (Offences) Bill. They never attacked the provision when the Railway Stores (Unlawful Possession) Bill was debated.

Pandit Thakur Das Bhargava: The hon. Member is entirely mistaken. This matter was raised by me and at my instance the Bill was referred to a Joint Committee. I again raised it at the time of smuggled goods provision.

Mr. Chairman: It would be better if no such personal references were made. He may state the arguments for or against.

Shri Nanadas: Then I am thankful to my hon. friend, Pandit Thakur Das Bhargava. But here I feel that because of the position in which the Scheduled Castes are placed, this presumption clause must be there. Otherwise, the whole Bill will be come ineffective and the cases cannot be proved in a court of law.

My second point is with regard to clause 15, sub-clause (b). Even in the Joint Committee, many Members were of the opinion that these offences must be cognizable and non-compoundable. I want to remind my hon. friend, Shri Datar, about the assurance he had given on the floor of the House, Rajya Sabha, when the Bill was being discussed there and he assured that House that the offences would be cognizable and at the same time non-compoundable. But all of a sudden, at the time of the discussion in the Joint Committee, this amendment was brought in by a friend—I am very sorry to say, by a Scheduled Caste Member—and I have got my own doubts that this amendment was manoeuvred. Therefore if you give this compromising provision for a Scheduled Caste men who will be tempted even by one day's wages, the provisions of the Bill will not be effective. The reason is that they will be tempted by money, by jobs and sometimes forced by threats. They cannot withstand the boycott or the social pressure of the high-caste Hindus or the richer classes. Therefore, the provision for compromise or compoundability should not be there. If it is there, the whole Bill will become ineffective and very soon we shall have to bring in an amendment to it. Therefore, I appeal to the hon. Home Minister to consider this point and see that justice is done to the untouchables, for whom all my friends speak very loudly from the platforms but at the time of practising, they all bring forth this difficulty, that difficulty, constitutional difficulty, legal difficulty, etc., etc., If they are broad-minded, let them remove this provision and do justice to the Scheduled Castes.

Shri Raghavaiah: My submission with regard to these clauses is this. The hon. Home Minister has dwelt at length on the seriousness of untouchability, that is practised today in our society. He has also stated in his speech that this sort of offence has got to be dealt with with all the seriousness that it demands from us today. Having said all that, when one comes to the clause, that is clause No. 15, one is surprised to see how and where the seriousness with which this Bill has been brought before the House has suddenly disappeared. It is one thing to file a case in a court of law against a person who has committed this offence, it is quite a different thing to see that the accused person is punished by a court of law. In the present social set-up in our country, it is very difficult for a Scheduled Caste man to file a case against a high-caste Hindu in a court of law for committing this sort of offence. As all of us know, between the committing of an offence and the filing of a petition in a court of law, the Scheduled Caste man will be put to a lot of trouble. So many temptations, threats and other kinds of difficulty will stand in the way of his filing a complaint in a court of law. Even after doing this, if you make this offence compoundable, the accused is likely to compromise with the man who put up this case in a court of law, after a certain amount of trial has gone through in the court, and it will thereby dilute the sprit of the offence. It will not be possible for the accused to be punished by a court of law. What is given by the right hand is completely being taken away by the left hand. That is how our law works in practice in our society. I would urge upon the House and upon the hon. Home Minister that if he is true to the seriousness with which he has introduced this Bill, after the Bill has come from the Joint Committee, he should with the same seriousness consider the non-compoundability of a more serious offence than untouchability and see that this offence is punished according to law with all the seriousness that the nature of offence demands from us, living as we do in a free and independent India with such a wonderful history of 25 years of struggle against this age-long stigma to our society.

Shri Dhulekar: I beg to oppose the retention of clause 12 because this clause clearly states that any person who refuses anything to a Scheduled Caste man whether it may be as

[Shri Dhulekar]

appointment of a clerk, a stenographer etc., is liable to this presumption by courts. Suppose four or five persons come up and if one of them is a member of the Scheduled Castes and if the officer selects another person, then the Scheduled Caste man can go to the court and there will be the presumption that on the ground of untouchability he has been rejected. Therefore, I would submit that the whole clause is abnoxious and should be deleted.

In the second case, if it is not deleted, then I would submit that instead of the word "shall" the word "may" should be used, so that the court will be given the discretion to presume whether the person who has committed any act has really done it on the ground of untouchability or on the ground of efficiency of the applicant etc.

First of all, I submit that the whole clause 12 should be taken away, and if that is not possible, the word 'may' should be put in place of the word 'shall'.

In the same way, I oppose the retention of clause 14, dealing with offences by companies. Everybody knows that a company has got a large number of branches all over the country, and if any one branch does it, it does not mean that all the persons of the company are guilty of the offence. Therefore, clause 14 is misconceived. The explanation given here says that 'company' means any body corporate and includes a firm or other association of individuals. I want a clarification from the hon. Minister whether 'company' means a body corporate including firm etc., in a town area, local panchayat, local body etc. If the clause is going to be kept, then I would propose that even at this stage, the hon. Minister may accept that 'company' shall mean any body corporate of a local body and includes a firm or other association of individuals.

Pandit Thakur Das Bhargava: What about a department of Government also? My friend says that we must also include the departments of the Government. I would say that to my mind, so far as the law is concerned, a company as defined here, cannot include local bodies and as I said before, under a different law, they are the greatest offenders in this case. The municipalities are asking the Scheduled Caste people to carry loads of night-soil on their heads and bodies. They are the greatest offenders. If you want to prevent the Scheduled Caste, or *bhangis* or *mehtars* or other people from carrying night-soil and their being compelled to do such things, then I would certainly request the hon. Minister that in case he proposes to retain 14, then the word 'companies' should be defined so as to mean any body corporate which includes a firm or local body or other associations of individuals. If the words 'local body' are not put in there, then the interpretation may be that the local bodies, municipalities and other panchayats all over India may continue to compel the *mehtars*, *bhangis* etc. to carry loads of night-soil on their heads. This Bill as passed will become nugatory. Therefore, I appeal to the hon. Minister that the words 'local body' should be put in and municipalities must be compelled to change the method of removal of night-soil. That is my appeal.

Shri S. L. Saksena: Mr. Chairman, with your permission, I would like to reply my friend Pandit Thakur Das Bhargava who has been very vehement. I would like to tell him that so far as I can visualise, there will be very few cases, under this Act, of offences against high caste people. Because on the one side will be ranged all the wealth and influence of high caste persons and on the other will be the most poor people whose resources, if they dare to go

to the Court, will be very small. So, I feel that clause 12 is the only safeguard in this whole Bill and if this clause is taken away, the soul will be taken away. This is the only clause which will enable the Scheduled Caste person to get some justice because they will not be required to prove their case but the other party will bring all the lawyers to defend their case. I do not think there is anything here which is wrong. I only want that the word 'only' should be removed from the last line of this clause.

I am very sorry to find that we have made the offence compoundable in clause 15. After bringing such a big Bill and after trying to have drastic remedies, we have made the whole thing compoundable. What happens?

An Hon. Member: Personal wrong is always compoundable.

Shri S. L. Saksena: This is a most grievous wrong. It is national humiliation. If you make it compoundable, what happens? First of all, there will be no conviction, for when there is a case against a wealthy high caste person who is guilty, he will try to prove that he is not guilty and he will defend himself by big lawyers. So, it will be no easy job to prove him, guilty on account of all his powers of, wealth and influence. If after all he is found guilty, the crime will be compoundable and so there will be no conviction, for he will compel the poor Harijan to compound the case. Secondly, there are also other people who will try to bring a case against somebody and they will try to get something and make business out of it. This possibility should also be removed.

Some Hon. Members *rose*—

Mr. Chairman: It is now time and I do not think I can call any hon. Member. I shall call the hon. Minister.

Shri P. N. Rajabhoj: This is a very important clause and I want to speak only a few words.

Shri Veeraswamy: I shall take only two minutes.

Mr. Chairman: I am calling the hon Home Minister.

Pandit G. B. Pant: Mr. Chairman, I am sorry that these clauses are not being examined and considered in that dispassionate and detached way which the process of legislation on a social subject demands. We should appreciate the circumstances in which this Bill has been brought before this House. So far as the scheme of the Bill goes, it is designed to help the process of social reform. It is not brought forward in any spirit of vindictiveness. It has not been introduced in order to create more difficulties for the Scheduled Caste but to solve them and to hasten the day when untouchability will altogether cease in every part of this country. That is the objective which the framers of this Bill had before them. We must examine the proposals that are contained in these clauses bearing in mind the object which we want to achieve.

So far as clause 12 is concerned, I think that clause had been framed with due regard to the circumstances in which we have to function. The clause provides that in the case of Scheduled Castes, where any of the acts mentioned in this Bill is proved to have been committed, there shall be a presumption that that act involves the issue of untouchability. That is all that the clause says.

Shri Raghavachari: That is not there. 'Proved to have been committed' is not there.

Pandit G. B. Pant: The wordings are: "Where any act constituting an offence under this Act is committed in relation to a member of the Scheduled Caste...." The word 'committed' is there. So, it means that the act is committed, and the person concerned is a member of the Scheduled Caste. This presumption shall be made when the offence had been committed. It is necessary for the person who has committed such an act to establish

[Pandit G. B. Pant]

that he has done the act not because the complainant or the person who had suffered from such a deed was a member of the Scheduled Caste but on some other account. In the circumstances, I do not see what objection can people have to this clause.

Shri Raghavachari: With your permission, what I said is this. It is not 'is alleged to be committed or is proved to have been committed'. You simply say 'committed'. It will be presumed.

Pandit G. B. Pant: I see your point but that does not affect my argument in the least; it remains where it was and I think this clause should stand. Scheduled Castes need the protection of law and to the extent this clause extends that protection to them, it should be maintained.

As we have deleted the word 'only' from other clauses, I would suggest that the word 'only' might be deleted also from line 30 of this clause. To that, there could be no possible objection.

So far as clause 14 is concerned, I think some words are redundant and unnecessarily too wide. So, from this clause 14, I would suggest that the words "as well as the company" be deleted, because a company is not a physical person. It is only a juristic body. So, the person in charge who has committed the offence should be liable to be punished but the company by itself is a corporate body whom you cannot punish in cases of this type or in any case whatsoever in a criminal court. So the words "as well as the company" may be deleted from line 45 of clause 14.

Similarly, from sub-clause (2) of this clause, I suggest that the words "or connivance of, or is attributable to any neglect on the part of" be deleted, so that where any offence has been committed with the consent of any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be punishable. But we cannot go beyond that and no court will be able to hold that any other person has committed any offence. This is the utmost limit to which any other court can ever find any person guilty. So, these redundant words "or connivance of, or is attributable to any neglect on the part of" might be deleted.

There has been some argument about sub-clause (b) of clause 15. Now, the Joint Committee on which all sections of this House were fully represented deliberately introduced this clause. They said in paragraph 26 at page (vi) of the Report thus:

> "The Committee discussed the question as to whether the offences under this legislation should be made compoundable or not. It was felt that if the provisions of the Bill are made strict, they may defeat the very object of the Bill. Therefore the Committee are of opinion that the offences under this Act should be made compoundable with the permission of the Court."

Shri Nanadas: This was put to vote and passed by a narrow majority even in the Joint Committee stage.

Pandit G. B. Pant: I was reading what appears in the Report of the Joint Committee, and nobody has suggested that the Report is in any way inaccurate. So we have to accept that it was the considered opinion of the Joint Committee that these offences should be compoundable. But let us go further and examine the position ourselves and see what would be the right thing. Firstly, no offence is compoundable by itself. It says that the offence can be compounded only with the permission of the court. If the court does not give the permission, the offence cannot be compounded. Very serious offences under the Penal Code can be compounded with the permission of the court. Offences like those of causing grievous hurt can be compounded with the permission of the

court. You may cause a fracture to a man's hand or to his head and still it can be compounded with the permission of the court. So, where the court finds that an offence is of a petty nature and that it will be in the interests of the complainant himself that the offence should be compounded, it will give him permission. When it does not find that, it will not give permission. Let us go further and examine the acts which had been made offences under this clause. You will find that ordinarily, if any of the acts were committed with regard to a person who is not an untouchable, it will not be an offence in law at all. Suppose a hotel-keeper does not allow me to enter the hotel, I cannot drive him into the criminal court. He cannot get any punishment in a criminal court. Suppose a person does not allow me to enter a temple, I cannot sue him in any criminal court. He has the authority to do so or he has not. I may or may not have a remedy in a civil court, but I can never have a remedy in a criminal court. With regard to all these offences that are mentioned in this clause no remedy is available in a criminal court. The only thing that a man can do and that too in very rare cases is to approach the civil court for some sort of remedy. So, if you bear the nature of the offences in mind you will find that they are essentially of a civil nature. They are being created as offences under the criminal law in order to put an end to the practices that have survived even after the abolition of the untouchability. We should not therefore, go beyond the requirements of the case and get excited over things which will rebound on us and serve as a boomerang and not help the purposes which we have in view. If there are offences against members of the Scheduled Castes themselves—there may be offences committed by persons who happen to commit such offences inadvertently, foolishly—how is the cause of social reform to be advanced? Can this be done by being vindictive or by allowing the parties to come to terms to restore goodwill and to proceed in a manner which will help the growth of good feelings between all sections of the community? So, in the circumstances, we should bear in mind the nature of the offences; they are very wide. No law accepts them as offences in any country. We have gone much beyond what any country has ever attempted in order to eradicate untouchability. It is a matter of some regret to me that in the circumstances it has been said here: "If you are sincere about it then you do this; otherwise you are not sincere." I think that that sort of language is not very helpful to the cause which we all hold in view.

Then some Member said either today or yesterday, "Well, we will change our religion." That is not the way in which social reform is going to be effected. Members seem to forget that in the olden days, for hundreds of years, when the members of the Scheduled Castes suffered from insufferable hardship, indignity and insult, they bore them with patience. They never said, "We are going to change our religion because we are suffering like this." Even allurements were held out to them by the ruling community of those days. But they stuck to their religion though they were handicapped and suffered in so many ways. Temptations and blandishments were held out to them by the rulers of the day. To those blandishments several others gave in but the members of the Scheduled Castes stuck to their folds and did not desert them. That is their loyalty to their faith. That is their capacity to suffer and with all that, today when an attempt is being made to solve the problem which is a tenacious one and which has persisted in spite of all efforts, let us not lose our sense of proportion and say or do things which will not help anybody. So, I submit that with the amendments that I have suggested, the clauses may be adopted by the House.

Shri Pataskar: I beg to move:

In page 5, line 30, *omit* "only".

Mr. Chairman: The question is:

In page 5, line 30, *omit* "only".

The motion was adopted.

Mr. Chairman: Then there are amendments 48, 49, 114 and 115. Unless any hon. Member wishes to have his amendment put separately, I shall put all these amendments together to the vote of the House.

Shri Raghavachari: I would like amendment No. 48 to be put separately.

Mr. Chairman: The question is:

In page 5, line 2, *after* "is" *insert* "proved to have been".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, line 29, *for* "shall" *substitute* "may".

The motion was negatived

Mr. Chairman: The question is:

In page 5, line 29, *after* "shall" *insert* "in the absence of other evident cause".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, *as amended, was added to the Bill.*

Mr. Chairman: I shall now put clause 13 to the vote of the House. There are no amendments to this clause.

Dr. Rama Rao: May I point out that in this clause also the word 'only' occurs in line 40 on page 5? I think it would be consistent if we omit the word 'only' here also.

The Deputy Minister of Home Affairs (Shri Datar): Wherever it occurs, it will go.

Mr. Chairman: Is the hon. Minister accepting it?

Shri Pataskar: Yes.

Dr. Rama Rao: I beg to move:

In page 5, line 40, *omit* "only".

Mr. Chairman: The question is:

In page 5, line 40, *omit* "only".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, *as amended was added to the Bill."*

Mr. Chairman: There are two amendments to clause 14, which have been tabled by Government. The hon. Minister may please move then.

Shri Pataskar: I beg to move:

(i) In page 5, line 45, *omit* "as well as the company,"

(ii) In page 6, line 5, *omit* "or connivance of or is attributable to any neglect on the part".

Mr. Chairman: The question is:

In page 5, line 45, *omit* "as well as the company".

The motion was adopted.

Mr. Chairman: The question is:

In page 6, line 5, *omit* "or connivance of or is attributable to any neglect on the part".

The motion was adopted.

Mr. Chairman: There are three more amendments to this clause, namely amendments Nos. 116, 117 and 118. Shall I put all of them together to vote?

Pandit Thakur Das Bhargava: One of the amendments has practically been accepted by the Government. That was for the deletion of the words 'or is attributable to any neglect on the part of'.

That is amendment No. 118. That cannot be put.

Pandit G. B. Pant: You withdraw that.

Mr. Chairman: Has the hon. Member leave of the House to withdraw his amendment No. 118.

Several Hon. Members: Yes.

The amendment was by leave withdrawn.

Mr. Chairman: The question is:

In pages 5 and 6, for clause 14 *substitute*:

"(14) (1) If any offence is committed against the provisions of this Act and the offender is a company, corporation or association of persons or a department of any Government, every person who was in charge of and was responsible for the conduct of the business of the company, corporation, association or department of the Government as well as the company, corporation, association or the department of the Government shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed with the consent or connivance or is attributable to any neglect on the part of any director, or manager, secretary or other officer of the company or the secretary, minister, head of department or other officer of the department of Government or head or executive officer of the corporation or association, as the case may be, shall also be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly."

The motion was negatived.

Mr. Chairman: The question is:

In page 5, line 44, *after* "of the company" *insert* "in relation to which the offence was committed".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Mr. Chairman: I now come to clause 15. There is one amendment by Shri Sadhan Gupta, amendment No. 50.

The question is:

In page 6, (i) line 18, *omit* "and" and (ii) *omit* lines 19 and 20.

Those who are in favour may kindly stand in their seats. I shall count the number.

Shri V. P. Nayar: (Chirayinkil): Let the names be recorded.

Mr. Chairman: Yes. The following are 'Ayes':

1. Shri S. L. Saksena,
2. Shri Veeraswamy,
3. Shri Sadhan Gupta,
4. Shri V. P. Nayar,
5. Dr. Rama Rao,
6. Shri S. V. L. Narasimham,
7. Shri T. B. Vittal Rao,
8. Shrimati Renu Chakravartty,
9. Shri B. C. Das,
10. Shri N. B. Chowdhury,
11. Shri R. R. Shastri,
12. Shri Boovaraghasamy,
13. Shri Raghavaiah,
14. Shri Nanadas,
15. Shri A. K. Gopalan,
16. Shri C. R. Chowdary,
17. Shri H. N. Mukerjee,
18. Shri Dasaratha Deb.
19. Shri Khardekar, and
20. Shri V. G. Deshpande.

[Mr. Chairman]

Those who are against may now stand in their seats.

Shri V. P. Nayar: Let their names also be recorded.

Mr. Chairman: It is not necessary, because it is such an overwhelming majority.

So, the amendment is lost.

The motion was negatived.

Mr. Chairman: The question is:

"That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 17 —(*Repeal*)

Shri Sadhan Gupta: I beg to move:

In page 6, line 28, *add* at the end:

"to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained therein."

An Hon. Member: That is an accepted amendment.

Mr. Chairman: The question is:

In page 6, line 28, *add* at the end:

"to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained therein."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

New Clauses

Shri Pataskar: There are certain other amendments about the addition of some new clauses.

Shri Jangde: There is my amendment No. 89, about the addition of new clause 6A. I beg to move:

In page 4, *after* line 6, *insert*:

"6A. Whoever on the plea that he has discontinued selling any goods or rendering any service, refuses to sell any goods or to render any service to any person, on the same terms and conditions, at or on which such goods are sold or services are rendered to other persons in the ordinary course of business and if after some time he resumes selling such goods or rendering such services, shall be deemed to have refused to sell such goods or to have refused to render such service on the ground of untouchability only and shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both."

Let us hear the reply of the hon. Minister.

Shri Pataskar: I can give you a short reply that I have carefully read it. This is already covered and it is unnecessary to burden a piece of legislation with all that.

Shri Jangde: I seek leave of the House to withdraw it.

The amendment was, by leave withdrawn.

Shri N. Rachiah: What about my amendment No. 119, that is new clause 14A?

Shri Pataskar: The same thing applies to it.

Shri S. L. Saksena: What about my amendment No. 138, that is new clause 7A?

Shri Pataskar: As far as all these additional clauses are concerned, in our opinion it is not necessary to have them.

Shri Raghavaiah: I have an amendment, No. 137.

Shri Pataskar: It is not necessary.

Mr. Chairman: It is not acceptable to Government.

Shri Raghavaiah: May I know the reason?

Mr. Chairman: Government say it is unnecessary according to their opinion.

Shri Raghavaiah: I would like to know the reason why it is considered as unnecessary.

Mr. Chairman: If the hon. Member wants, I shall put his amendment to the House.

Shri Raghavaiah: It is not a question of merely putting it to the House. What is the use of just putting it to the House for a vote, because there is an overwhelming majority? We do not give amendments simply to be put to the House and negatived.

Mr. Chairman: The hon. Member, if he likes, may speak on his amendment.

Shri Raghavaiah: I beg to move:

In page 4, *after* line 5 *insert*:

"*7A. Punishment for withdrawal of existing grants to public institutions now thrown open to untouchables.*—Whoever stops or reduces payment of existing grants to public institution as defined in section 4, on the plea that the institution has been thrown open to 'untouchables' shall be punishable with imprisonment for one year or a fine of one thousand rupees or with both."

There are a number of institutions which are financed by grants or by some sort of help or endowments or such kind of monetary help by certain individuals. In helping these institutions these individuals might (or might not) have executed a sort of registered document saying that in case certain sections of people in the society are allowed to make use of the institution they would withdraw the grant or the donation or patronage to that particular institution. That condition might be there in the registered deed or document. Suppose the untouchables want to enter that institution also because it is thrown open to the public like so many other institutions. As a consequence of recent trends or of that particular institution being thrown open to the public, the particular individual who has donated or who is helping the institution might withdraw his grant and also plead that what is being done is inconsistent with the condition that he has stated in the registered deed or document according to which he has made this donation to this particular institution.

I want that such persons should also be brought under this. They are individuals, not board of trustees. They are not a board administering the grants given to a particular institution. If that is the case, we have already brought the trust boards or endowment boards under the provisions of this legislation. But here is an individual who by a registered document has made a certain condition for giving it help. I do not know whether the provisions cover this kind of situation. If that is so I am prepared to withdraw this amendment.

Or, instead of a written condition in a document, it may be also oral. He might have been giving financial help to an institution for twenty, thirty or forty years. That becomes almost as emphatic as anything given as a result of something written in a document. That individual may also withdraw his help. How are you going to book a particular individual who, without any written document, has orally been continuing to give a particular amount of donation to a particular institution for twenty or thirty years and who today withdraws it because of this? He might not say that he is withdrawing it because of this. He might say that he was doing it because his revenues permitted him to do so and that now

[Shri Raghavaiah]

his revenues do not permit him to do it and therefore he is withdrawing it. He might plead that way to escape the punishment for committing this offence.

Such people also have got to be brought under this and they have to be punished. It is with this express intention that I have moved this amendment and I hope the hon. the Home Minister will take the spirit of the amendment and incorporate it in any way he likes in this Bill and see that those unseen culprits are also brought to book under this.

Mr. Chairman: What is the reaction of the hon. Minister?

Pandit G. B. Pant: I do not think there will be any occasion for this. It is altogether hypothetical. And I hope if any occasion does arise we will persuade the grantor to continue the grant.

Mr. Chairman: So I will put the amendment to vote.

The question is:

In page 4, *after* line 5, *insert*:

"7A. *Punishment for withdrawal of exising grants to public institutions now thrown open to untouchables.*—Whoever stops or reduces payment of existing grants to public institution as defined in section 4, on the plea that the institution has been thrown open to 'untouchables' shall be punishable with imprisonment for one year or a fine of one thousand rupees or with both."

The motion was negatived.

Mr. Chairman: I need not place the other amendments which are not going to be accepted.

What about the Schedule?

Shri Datar: The Schedule goes with clause 17.

Clause 1—(*Short title, extent and commencement*)

Mr. Chairman: So that has been disposed of. We come to clause 1.

Shri Datar: I beg to move:

In page 1, line 4, *for* "1954" *substitute* "1955."

Mr. Chairman: The question is:

In page 1, line 4, *for* "1954" *substitute* "1955".

The motion was adopted.

5 P.M

Mr. Chairman: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title was added to the Bill.

Enacting Formula

Shri Datar: I beg to move:

In page 1, line 1, *for* "Fifth Year" *substitute* "Sixth Year."

The motion was adopted.

Mr. Chairman: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended was added to the Bill.

Pandit G. B. Pant: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

Shri T. N. Singh (Banaras Distt. East): Let the House adjourn now, Sir.

Mr. Chairman: It has been announced in the bulletin that the House will continue to sit till 6 P.M. if there is business. The House will continue to sit now till the other Bill is passed.

HYDERABAD EXPORT DUTIES (VALIDATION) BILL

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:

> "That the Bill to validate the levy and collection of certain duties on the export of goods from the State of Hyderabad, be taken into consideration."

The Bill is purely of a formal nature. Certain duties which were in force in the State of Hyderabad at the time of its merger were continued thereafter. Certain legal difficulties have arisen and it has become necessary now to make those duties valid in law, and to validate the regulations and law under which they were realised. These duties were levied and the consumers had pay money and now, those who collected the money may seek a refund of the money which they have paid although they had collected that money from the consumers. That would be extremely unfair. So, in order to ensure equity and justice, it has been considered necessary to introduce this Bill. It is purely of a non-controversial character and I am sure the House will accept it.

Mr. Chairman: Motion moved:

> "That the Bill to validate the levy and collection of certain duties on the export of goods from the State of Hyderabad, be taken into consideration."

Shri Sadhan Gupta (Calcutta South—East): Mr. Chairman, I have personally no quarrel with the Bill. But, in connection with its consideration I want to point out a certain feature which raises some apprehension in my mind. We find that this Bill was necessitated for the purpose of validating some acts done in complete oblivion of the fact that the law under which it was done had lapsed. Now, I find that it was a law under the Defence Regulation which was expected to lapse apparently after the end of the emergency, for which it was promulgated. Even in spite of the lapse, the Hyderabad Government continued to levy the export duties under the same regulation. In this instance, it might not have been a very serious thing from the moral point of view. But, it has happened in many States—for example, I can say of my own State—it has happened that even after pernicious Acts, objectionable Acts like the Security Act had been declared *ultra vires*, even after judgements had been pronounced, action continued to be taken under the Security Act.

Therefore, I would demand an assurance from the Home Minister that in future, States would be more conscious of what powers they have and would be more careful to see what laws are lapsing and to act in such a manner as to promote the proper observance of the laws. Particularly, in the case of oppressive laws, it is a very serious objection and this thing should be looked into.

I have only this much to say on this Bill.

Shri Mohiuddin (Hyderabad City): Mr. Chairman, I have no objection to the passing of this Bill but I should very much like to have some information as to how it happens that Parliament's time has to be wasted in passing this Bill. The Constitution had provided that the States who had previously levied import and export duties could continue to levy

[Shri Mohiuddin]

them for a certain period the enforcement of the Constitution; and, in the financial integration with the States, there was also an agreement that the States could continue to levy import and export duties and they should gradually reduce the rates of those duties as internal taxes as the sales tax and so on made up for the losses due to abolition of these duties. Up to March 31, 1955, the State Governments had a right under the Constitution to levy it, as also in accordance with the agreement with the Central Government. The High Court declared the Defence Rules *ultra vires* in 1953 or 1954—I do not know the exact date—but, before the 31st March, 1955, the State Government had, as far as I can understand, the right to pass a law validating certain acts they have done under the Defence Rules.

I would really wish that the hon. Home Minister explained as to why it is necessary for Parliament to pass this law. After the 1st of April it is necessary; before 31st March, 1955, it could as well have been passed by the State legislature to validate the collection of these duties. How did it happen that they did not do so?

Dr. Suresh Chandra (Aurangabad): Coming from Hyderabad, as I do, I think it is my duty to point out.... *(Interruption)* I request I may not be interrupted from behind because it is very discourteous. I can't continue.

Pandit Balkrishna Sharma (Kanpur Distt.—South *cum* Etawah Distt.—East): They are scratching your back.

डा० सुरेश चन्द्र : सभापति जी, इस बिल के बारे में पूर्व-वक्ता मेरे भाई ने जो कुछ कहा है, मैं उससे सहमत हूं । यह ठीक है कि इस बिल के बारे में किसी का कोई विरोध नहीं हो सकता है । जैसा कि मंत्री महोदय ने कहा है, यह बिल कुछ कानूनों को वैध बनाने के लिये पार्लियामेंट के सामने आया है । जो भी बिल हमारे सामने आता है, हम उसको अच्छी तरह आंख खोल कर देखते हैं और जब हम इस बिल को देखते हैं, तो, जैसा कि श्री साधन चन्द्र गुप्त और श्री मुहीउद्दीन ने भी कहा है, हमारी समझ में यह बात नहीं आती कि यह बिल यहां पर लाने की इस समय क्या आवश्यकता थी । आखिर हैदराबाद की असेम्बली भी इस को पास कर सकती थी । ३१ मार्च तक की कलेक्शन आफ लेवीज एंड ड्यूटीज को वैलीडेट करने के लिए हैदराबाद की लैजिस्लेचर भी एक कानून पास कर सकती थी । उसके बाद इतना समय निकल गया है । क्या इसका मतलब यह है कि चूंकि जिस असेम्बली का यह काम था, वह इसको पूरा नहीं कर सकी, इसलिये यहां पर यह कानून लाया गया है ? मैं समझता हूं कि यह एक बहुत बड़ी गल्ती है ।

अगर मंत्री महोदय इस बारे में हमारे सामने कुछ सूचना रख सकें, तो ठीक है । बाकी हमारे सामने जो कानून रखा गया है, उससे हमें कोई एतराज नहीं है, क्योंकि इसका मकसद उन ड्यूटीज को वैलीडेट करना है, जो कि ली जा चुकी हैं । मैं सिर्फ इतना ही सदन के सामने रखना चाहता हूं ।

Shri H. G. Vaishnav (Ambad) *rose*—

Mr. Chairman: Let us hear the hon. Minister. If there are any further points, we may see.

Shri H. G. Vaishnav: I won't take more than 2 minutes. Some hon. Members have raised the objection, that this Bill being within the jurisdiction of the Hyderabad State Legislative Assembly, ought to have been passed there and why it has been brought to this Parliament, so late. The implication of this Bill is as follows. This taxation involves inter-provincial questions. As far as I know, this question being of an inter-provincial nature, perhaps, the legislature of Hyderabad did not think it proper to pass any such Bill in the

State Assembly. Or it might be said that some objections may be raised afterwards if the Bill were passed by the Hyderabad State legislature. Because of that, I think the Bill could not be brought in the Hyderabad legislature. Of course, when any doubt is raised, it is for the Parliament to decide the matter and ultimately, this Bill has been brought before this House I think there is no objection to pass this Bill which is a very useful measure as far as the State interests are concerned.

Pandit G. B. Pant: It is strange that hon. Members from Hyderabad should have in a way registered a *caveat emptor* against this Bill. If anything, they should have in a normal way expressed their gratitude to the Lok Sabha for taking upon itself the function of passing this Bill which will work to their advantage. The Bill is being adopted by this House in order to save the finances of the Hyderabad exchequer. We have gone out of our way to accommodate the Hyderabad Government. We have done so in order that the people of Hyderabad may be saved from the possible contingency of being deprived of about Rs. 7 crores which they have collected from persons residing outside Hyderabad.

The export duties were levied under certain rules under the Defence of Hyderabad Regulations, Regulation No. 1348, if I remember aright. That Regulation was not limited in duration. It was not fixed for any particular term. It was supposed to be of perennial operation until repealed. The High Court of Hyderabad, in September 1954, held that that Regulation, having been issued under the Defence of Hyderabad Regulations, had expired, that it was meant for an emergency and was no longer alive. So, the necessity for validating the collections already made, arose, so that the people who had paid that money to the Hyderabad Government may not go to the courts to claim a refund of the money that they had paid. These people had already collected the money from the consumers. It would have been unfair if they were allowed to pocket all this money which they had received from the consumer, on oilseeds and other agricultural products outside Hyderabad and which they had paid to the Government of Hyderabad. In the circumstances, to assist the Government of Hyderabad, and to ensure equity and justice, for the public benefit, it was considered advisable to introduce this Bill. I hope it will be accepted.

Mr. Chairman: The question is:

"That the Bill to validate the levy and collection of certain duties on the export of goods from the State of Hyderabad, be taken into consideration."

The motion was adopted.

Mr. Chairman: Now, we shall take the Bill clause by clause. There are only two clauses. I shall put all of them together.

The question is:

"That clauses 1 and 2, the Title and the Enactng Formula stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.

Pandit G. B. Pant: I beg to Move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

BUSINESS OF THE HOUSE

Shrimati Renu Chakravartty (Basirhat): On a point of information. Tomorrow are we going to continue discussion of the State Bank of India Bill or....

Mr. Chairman: I think the Hindu Marriage Bill.

Shrimati Renu Chakravartty: Then I think that should be announced, because at 7 o'clock we will get our papers.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Tomorrow the Hindu Marriage Bill will be discussed, and on Saturday the State Bank of India Bill will be discussed.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 29th April, 1955.